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1 THE COURT: Before that?

2 PROSPECTIVE JUROR: I worked in security before  
3 that, communications, and before that the 114 Precinct in  
4 Queens.

5 THE COURT: What years were you in the 114  
6 Precinct?

7 PROSPECTIVE JUROR: '85 to '87 -- no, not '87. To  
8 like '90, but then I went -- there was like all different  
9 precincts.

10 THE COURT: Okay. The reason I ask this question  
11 is, as you could see by that list, there's going to be  
12 probably a police officer testifying here.

13 PROSPECTIVE JUROR: Well, the only thing I was  
14 thinking now I work in the substance abuse field, and there  
15 is a lot of cases where there is sexual abuse that I deal  
16 with. A lot of my patients -- I'm a certified alcohol and  
17 drug counselor, but I don't know if that would pose a  
18 problem, but I do deal with that a lot.

19 THE COURT: All we want to know is if you can  
20 listen to the evidence.

21 PROSPECTIVE JUROR: Right. Right.

22 THE COURT: Base your verdict only on that and not  
23 on other things that you may see. You would have no problem  
24 with that; would you?

25 PROSPECTIVE JUROR: Again, I don't believe so.

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1 THE COURT: Okay. Again, as I was saying, there's  
2 going to be a police officer testifying. At the end of the  
3 case I give certain, what we call, instructions on the law,  
4 and one of them is that you are to evaluate the testimony of  
5 a police officer witness the same as a civilian. What that  
6 means is if someone come in here wearing a uniform, that  
7 doesn't mean you are automatically going to believe  
8 everything they say.

9 On the other hand, it doesn't automatically mean  
10 you are going to disbelieve everything they say. You will  
11 sit, listen to what they have to testify to and make a  
12 judgment as you would any other witness. You would have no  
13 problem doing that; would you, Miss Wallace?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Miss Brown?

16 PROSPECTIVE JUROR: No, I don't believe so.

17 THE COURT: Everyone else could do that, right?

18 Now we come to the second part of my questioning  
19 which is your backgrounds. By time I get to Mr. Sherazi,  
20 you have all of the information because I'm going to ask you  
21 all of the same questions. Everybody after you will have  
22 all of the information, so I don't have to ask the same  
23 questions to everybody. Pay attention, please.

24 Mr. Nazario, what part of Queens do you live in?

25 PROSPECTIVE JUROR: Ozone Park.

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1 THE COURT: How long have you lived there?

2 PROSPECTIVE JUROR: Three years.

3 THE COURT: Where did you live before that?

4 PROSPECTIVE JUROR: Florida.

5 THE COURT: And where are you from originally?

6 PROSPECTIVE JUROR: Half Puerto Rican, half  
7 Dominican.

8 THE COURT: And are you working?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: What do you do?

11 PROSPECTIVE JUROR: Diesel mechanic.

12 THE COURT: And marital status. Any children?

13 PROSPECTIVE JUROR: No, sir. No children.

14 THE COURT: Do you own or rent?

15 PROSPECTIVE JUROR: No. I live with my moms.

16 THE COURT: You still live at home?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: That wasn't bad; was it?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Miss Declementi, what part of Queens  
21 do you live in?

22 PROSPECTIVE JUROR: Howard Beach.

23 THE COURT: How long have you lived there?

24 PROSPECTIVE JUROR: 47 years.

25 THE COURT: Marital status. Any children?

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1 PROSPECTIVE JUROR: Divorced. No children.

2 THE COURT: Are you working.

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: What do you do.

5 PROSPECTIVE JUROR: Northshore Long Island Jewish.

6 I'm a supervisor for the laboratories.

7 THE COURT: Do you own your own home or rent?

8 PROSPECTIVE JUROR: I own my own home.

9 THE COURT: Thank you.

10 Mr. Salvit, what part of Queens do you live in?

11 PROSPECTIVE JUROR: Forest Hills.

12 THE COURT: How long have you lived there?

13 PROSPECTIVE JUROR: Four, five years.

14 THE COURT: Before that?

15 PROSPECTIVE JUROR: In the city, Manhattan.

16 THE COURT: Marital status. Any children?

17 PROSPECTIVE JUROR: I'm single. I do not have any  
18 children.

19 THE COURT: Are you working?

20 PROSPECTIVE JUROR: I am. I work as a management  
21 consultant.

22 THE COURT: What type of management consultant?

23 PROSPECTIVE JUROR: Within the technology field.

24 THE COURT: And do you own or rent?

25 PROSPECTIVE JUROR: I own.

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1 THE COURT: Thank you very much.

2 Mr. Sherazi.

3 PROSPECTIVE JUROR: Yes, sir. I live in Queens,  
4 Jamaica, and before I live in Kings Highway Precinct, and  
5 I'm working as a bus driver.

6 THE COURT: For the City?

7 PROSPECTIVE JUROR: No, para transit.

8 THE COURT: And marital status.

9 PROSPECTIVE JUROR: Divorced. I have two  
10 childrens.

11 THE COURT: Do you own or rent your own home?

12 PROSPECTIVE JUROR: Right now I'm in a shelter.

13 THE COURT: You live --

14 PROSPECTIVE JUROR: In a shelter.

15 THE COURT: What part of Queens is it that you  
16 live in?

17 PROSPECTIVE JUROR: Jamaica, Queens, right here.

18 THE COURT: Thank you, sir.

19 Mr. Berman.

20 PROSPECTIVE JUROR: Yes. I live in Forest Hills  
21 for going on five years. I'm a clinical psychologist.  
22 Single. No kids.

23 THE COURT: Own your own home or rent?

24 PROSPECTIVE JUROR: Own.

25 THE COURT: Okay. Thank you very much.

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1 Miss Basdeo.

2 PROSPECTIVE JUROR: I live in Ozone Park for eight  
3 years. I'm originally from Guyana.

4 THE COURT: Indiana?

5 PROSPECTIVE JUROR: Guyana.

6 THE COURT: Marital status. Any children?

7 PROSPECTIVE JUROR: Married. Three children.

8 THE COURT: Do you own your own home or rent?

9 PROSPECTIVE JUROR: No, rent.

10 THE COURT: And you are you working?

11 PROSPECTIVE JUROR: Cashier supervisor JFK.

12 THE COURT: Okay. Thank you.

13 Miss Lotito.

14 PROSPECTIVE JUROR: I live in Bayside, Queens for  
15 52 years. I'm divorced, have two children. Own my own  
16 home, and I work for the Department of Education as a budget  
17 analyst.

18 THE COURT: Thank you very much.

19 Mr. Manini.

20 PROSPECTIVE JUROR: I live in Bayside as well for  
21 six years. Before that I lived in New Jersey. I own my own  
22 home. I'm a portfolio manager. I work in finance.

23 THE COURT: Thank you very much.

24 Miss Wallace.

25 PROSPECTIVE JUROR: I lived in Queens, East

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1 Elmhurst for 25 years. I'm originally -- I was born in  
2 Jamaica.

3 MR. BANDELLI: I'm having a hard time.

4 THE COURT: She lives in East Elmhurst.  
5 Originally born in Jamaica.

6 PROSPECTIVE JUROR: I'm married with one child.  
7 I'm a recent graduate, so I work as a part-time college  
8 assistant for CUNY.

9 THE COURT: Miss Kavon.

10 PROSPECTIVE JUROR: I live in Middle Village.  
11 I've lived there for 15 years. Before that I lived in the  
12 Bronx. I'm a news researcher for CNN. I'm married. No  
13 children. We rent.

14 THE COURT: Thank you very much.  
15 Mr. Walters.

16 PROSPECTIVE JUROR: I live in Corona. I living  
17 there for 18 years. Originally from Jamaica. I work for  
18 Rite-Aid, store manager. I'm married. One child.

19 THE COURT: How come you never have anything on  
20 the shelves that you have advertised?

21 You own your own home?

22 PROSPECTIVE JUROR: Rent.

23 THE COURT: Okay. Thank you very much.  
24 Miss Freeman.

25 PROSPECTIVE JUROR: I'm originally from Guyana. I

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1 work information technology radiology. I live in Queens  
2 Village. I'm divorced, and I have two kids.

3 THE COURT: Do you own or rent?

4 PROSPECTIVE JUROR: No. I rent.

5 THE COURT: Thank you, ma'am.

6 Mr. Leona.

7 PROSPECTIVE JUROR: I live on Hillside Avenue in  
8 Jamaica. I lived there for 20 years, born and raised. I'm  
9 currently a full-time student at York College. I'm single,  
10 and I have no children. I live with my parents.

11 THE COURT: What are you studying?

12 PROSPECTIVE JUROR: Premed.

13 THE COURT: Good luck to you.

14 PROSPECTIVE JUROR: Thank you.

15 THE COURT: Miss Brown.

16 PROSPECTIVE JUROR: I've lived in Bayside 39  
17 years. Prior to that I lived in the Bronx. I'm a retired  
18 police officer for six years. I presently work part time  
19 for the Long Beach Medical Center detox and also part time  
20 with Catholic Charities in Woodmere. I have one daughter, a  
21 college student. I'm married, and I own my own home.

22 THE COURT: Thank you.

23 Miss Demarco.

24 PROSPECTIVE JUROR: I live in Bayside for 25  
25 years. I'm married, three children. We own our home, and



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1 I'm a parochial school teacher.

2 THE COURT: Thank you very much.

3 Mr. DA, you may inquire.

4 MR. ROSENBLATT: Thank you, your Honor.

5 Good morning. As the judge introduced me earlier,  
6 I'm Jared Rosenblatt. I'm an assistant district attorney  
7 here in Queens. I work in the Special Victim's Bureau. In  
8 this case I represent the People of the State of New York  
9 here in the county of Queens.

10 The judge briefly told you about the jury  
11 selection process. We are looking for fair and impartial  
12 jurors.

13 Some of you have that little jury book in your  
14 hands. There is no instruction on how to be a juror. You  
15 use your common sense. You use your life experience.  
16 Everyone comes in with a different background.

17 How many people were born in New York?

18 How many people were born in a different country?

19 Everybody comes in with a wide range of life  
20 experiences, work experiences and familial experiences, and  
21 you have to use that during this trial when you listen to  
22 the testimony and the evidence.

23 The burden of proof, as the judge briefly touched  
24 on earlier, is beyond a reasonable doubt. The burden of  
25 proof in a criminal case doesn't change based upon the

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1 nature of the charges, and what I mean by that, Mr. Nazario,  
2 is the judge told you these crimes were sexual in nature.  
3 If the defendant was charged with stealing a hammer from  
4 Home Depot or DWI or assault, the burden of proof is always  
5 beyond a reasonable doubt. It doesn't go up or down based  
6 on the nature of the allegations. Do you have a problem  
7 with that?

8 MR. BANDELLI: Objection, Judge.

9 THE COURT: What's the basis of your objection?

10 MR. BANDELLI: He is instructing them on the law.

11 THE COURT: Sustained.

12 MR. ROSENBLATT: Do you have any problem with  
13 that?

14 MR. BANDELLI: Objection. He is asking the  
15 question again. You just sustained it.

16 THE COURT: Mr. DA.

17 MR. ROSENBLATT: I'll rephrase.

18 THE COURT: Ask proper questions relevant to their  
19 qualifications.

20 MR. ROSENBLATT: Miss Declementi, can promise to  
21 hold me to the burden of proof the judge will instruct you  
22 on, nothing more, nothing else?

23 PROSPECTIVE JUROR: Yes.

24 MR. ROSENBLATT: Mr. Salvit, promise the same?

25 PROSPECTIVE JUROR: Yes.

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1 MR. ROSENBLATT: I want to talk to you about your  
2 prior jury service. Was that in Manhattan?

3 PROSPECTIVE JUROR: No. It was in Queens.

4 MR. ROSENBLATT: Tell us about that experience.

5 PROSPECTIVE JUROR: Sure.

6 As I mentioned before, it's a grand larceny case,  
7 and it was for -- they were trying to prove that the person  
8 had stolen an expensive computer, but the DA was not --

9 MR. ROSENBLATT: Don't give us the verdict.

10 PROSPECTIVE JUROR: I'm sorry. Forget it. After  
11 numerous --

12 MR. ROSENBLATT: You deliberated?

13 PROSPECTIVE JUROR: Exactly. After interviews we  
14 deliberated and we came to a close.

15 MR. ROSENBLATT: All right. This case is  
16 obviously different. If you are chosen as a juror, you  
17 can't compare evidence from the two cases. You understand  
18 that, right?

19 PROSPECTIVE JUROR: Sure.

20 MR. ROSENBLATT: In this case the testimony is  
21 going to come primarily from the witness stand. What I mean  
22 by that is it will be primarily testimonial in nature.

23 Who watches Law and Order, CSI, Boston Legal? On  
24 those shows it's criminal justice through science. Within  
25 40 minutes you take out the commercials, the guilty are

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1 proven, the innocent are exonerated, and it's primarily  
2 through scientific evidence, some of it which is real, some  
3 which isn't.

4 In this case most of the evidence is going to come  
5 from testimony. Witnesses are going to come in, tell you  
6 what they saw and did. In this case there is going to be no  
7 science. You are not going to be able to rely your verdict  
8 on scientific evidence. It's going to be using your common  
9 sense, your life experiences and judge the testimony as you  
10 see it, as you hear it.

11 Do you need scientific evidence to be convinced  
12 that something happened or something didn't happen?

13 PROSPECTIVE JUROR: No.

14 MR. ROSENBLATT: Miss Declementi.

15 PROSPECTIVE JUROR: No.

16 MR. ROSENBLATT: Mr. Salvit.

17 PROSPECTIVE JUROR: I don't need it but --

18 MR. ROSENBLATT: I'm not saying it doesn't help.

19 It assists us. It would be great if we had it, but we don't  
20 in this case.

21 PROSPECTIVE JUROR: I work in the technology  
22 field. Our job is to use science, so it's what I look for,  
23 but as you said, we have to deal with what they have.

24 MR. ROSENBLATT: What do you think, Mr. Sherazi?

25 PROSPECTIVE JUROR: I agree.

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1 MR. ROSENBLATT: Mr. Berman?

2 PROSPECTIVE JUROR: Dr. Berman.

3 MR. ROSENBLATT: Dr. Berman. My apologies. What  
4 do you think about that?

5 PROSPECTIVE JUROR: About the nature of witness  
6 testimony?

7 MR. ROSENBLATT: Yes. Using testimony at evidence  
8 without the aid of science.

9 PROSPECTIVE JUROR: It's not as reliable but, you  
10 know --

11 MR. ROSENBLATT: Well, in your field you listen to  
12 people come into your office, correct?

13 PROSPECTIVE JUROR: Correct.

14 MR. ROSENBLATT: And if a patient comes into your  
15 office and tells you that last night they had an experience  
16 with their spouse, and they were sitting over a cup of and  
17 discussing what had happened at work, and you said to them,  
18 Well, I'm not sure I believe you. Do you have that cup of  
19 coffee to swab it for DNA evidence? Would you do that?

20 PROSPECTIVE JUROR: It's different at work.

21 MR. ROSENBLATT: Well, because we enter the  
22 criminal justice system, because we are in a courtroom, we  
23 don't forget our common sense and life experiences. If you  
24 wouldn't do it at home, would you expect it when you are  
25 hearing and listening to testimony and trying to reach a

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1 verdict based on the evidence presented to you free from  
2 speculation, free from hindsight and not basing it on a  
3 whim, just basing it on the evidence?

4 PROSPECTIVE JUROR: I'm not saying I'm biased  
5 because of the difference. I understand that there is a  
6 difference.

7 MR. ROSENBLATT: What do you mean by that?

8 PROSPECTIVE JUROR: Well, you know, witness  
9 testimony is not empirical unless somebody witnessed the --

10 MR. ROSENBLATT: Other than science, there are  
11 very few things in life that are absolutely certain. Other  
12 than pure accounting numbers, nothing in life is absolutely  
13 certain.

14 MR. BANDELLI: Objection. What does that mean,  
15 nothing in life is absolutely certain? I don't even  
16 understand what he is saying.

17 THE COURT: What does that mean?

18 MR. BANDELLI: Yes. What does that mean?

19 THE COURT: Move on.

20 MR. ROSENBLATT: Dr. Berman, you would agree that  
21 very few things, other than death and taxes, is absolutely  
22 certain in life, right?

23 PROSPECTIVE JUROR: That's true, but sometimes we  
24 try to get out of both of them.

25 MR. ROSENBLATT: We do. We do.

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1 Miss Basdeo, you understand my situation that I'm  
2 explaining with Dr. Berman here. You are going to be asked  
3 in this case to base your verdict based upon testimony  
4 without the aid of science. If I presented to you just one  
5 witness -- and follow along with me, Mr. Nazario. You work  
6 as a mechanic alone or with a group of people?

7 PROSPECTIVE JUROR: A company.

8 MR. ROSENBLATT: Do you ever work by yourself?

9 PROSPECTIVE JUROR: Yes.

10 MR. ROSENBLATT: Follow along with my example of  
11 using Mr. Nazario, okay? Mr. Nazario is working alone on  
12 his car by himself, and it's the end of the day. Everyone  
13 is cleared out. He is finishing his work by himself. An  
14 individual approaches him while at work. He is wearing a  
15 dark gray suit, a white shirt and a reddish tie and wearing  
16 glasses. He approaches Mr. Nazario, points a gun at him,  
17 demands his money. Mr. Nazario gives the man his money and  
18 calls the police.

19 As the police arrive, the man in the gray suit,  
20 the red tie is walking down the street. He points him out.  
21 He says, That's the man who robbed me. He has a gun and my  
22 money.

23 Mr. Nazario talks to the police and the police  
24 say, Well, do you have any witnesses? No. I'm working by  
25 myself. Do you have any videotape? No. There is no

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1 surveillance in here. I'm working on a car by myself. The  
2 police say, Well, you don't have any witnesses. You don't  
3 have any scientific evidence. You don't have any video  
4 statement of the crime. We are not going to assist you,  
5 sir.

6 Is that fair to Mr. Nazario?

7 PROSPECTIVE JUROR: No.

8 MR. ROSENBLATT: Would that be fair to you, sir?

9 PROSPECTIVE JUROR: No.

10 MR. ROSENBLATT: Miss Declementi, would that be  
11 reasonable?

12 PROSPECTIVE JUROR: No.

13 MR. ROSENBLATT: Mr. Salvit.

14 PROSPECTIVE JUROR: No.

15 MR. ROSENBLATT: Mr. Salvit, if you are a juror in  
16 this case and Mr. Nazario testifies as to what happened to  
17 him and he describes the individual and points to me as the  
18 individual who did it to him, there is no scientific  
19 evidence or video statement, no DNA. It's Mr. Nazario's  
20 testimony alone. That's the only witness you hear. If he  
21 convinces you to your satisfaction beyond a reasonable doubt  
22 of all of the elements, what the judge will tell you in that  
23 scenario, what would your verdict be?

24 PROSPECTIVE JUROR: As you said, if he convinces  
25 me beyond a reasonable doubt, then we have no choice.



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1 MR. ROSENBLATT: What do you think about that,  
2 Mr. Nazario?

3 THE COURT: Mr. ADA, you have one more minute?

4 MR. ROSENBLATT: Thank you, Judge.

5 What do you think about that?

6 PROSPECTIVE JUROR: I got to prove it depending.  
7 I have to prove that that happened to me.

8 MR. ROSENBLATT: Do you think that if you were a  
9 juror in this case, taking yourself out as the victim, would  
10 you have any problem basing it just on testimony?

11 PROSPECTIVE JUROR: I have to go by what I hear.

12 MR. ROSENBLATT: If you are chosen as a juror, do  
13 you promise not to speculate?

14 PROSPECTIVE JUROR: No.

15 MR. ROSENBLATT: Miss Declementi, can you do that  
16 if you were a juror in that type of case?

17 PROSPECTIVE JUROR: Yes.

18 MR. ROSENBLATT: Any problem?

19 PROSPECTIVE JUROR: No.

20 MR. ROSENBLATT: Miss Basdeo --

21 PROSPECTIVE JUROR: Yes.

22 MR. ROSENBLATT: -- you can do it?

23 PROSPECTIVE JUROR: Yes.

24 MR. ROSENBLATT: Miss Lotito.

25 PROSPECTIVE JUROR: Yes.

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1 MR. ROSENBLATT: Mr. Manini, what do you think?  
2 Can you judge the case based upon testimony, not base it on  
3 speculation or hindsight or what evidence you wish they had?

4 PROSPECTIVE JUROR: I believe I can.

5 MR. ROSENBLATT: You could be fair in this case;  
6 can't you?

7 PROSPECTIVE JUROR: I think so.

8 MR. ROSENBLATT: Anyone have any problem with the  
9 example I used using Mr. Nazario? Anyone at all?

10 Miss Kavon.

11 PROSPECTIVE JUROR: Yes. I just wonder whether do  
12 these two people have any relationship at all.

13 MR. ROSENBLATT: In my hypothetical they were  
14 strangers. That's the example I was using. Just strangers,  
15 and nobody is willing to help because it's only one witness.

16 PROSPECTIVE JUROR: Obviously not applicable in  
17 this case.

18 MR. ROSENBLATT: Right, but I'm using a  
19 hypothetical. If I presented one witness and -- I presented  
20 you, to your satisfaction, one witness as to what the crime  
21 was, can you base your verdict, if it convinces you, that  
22 one witness convinces you, to your satisfaction beyond a  
23 reasonable doubt of the elements that the judge says, would  
24 you have a problem reaching a verdict?

25 PROSPECTIVE JUROR: No.

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1 THE COURT: Thank you, Mr. DA.

2 MR. ROSENBLATT: Thank you, your Honor. Thank you  
3 for your time.

4 THE COURT: Mr. Bandelli.

5 MR. BANDELLI: Thank you, Judge. It's still  
6 morning, so good morning, everybody. Good morning.

7 Anybody else out here a part of this panel, or is  
8 everybody up here? So, you don't have to listen out there.  
9 I'm talking to everybody over here.

10 We have had full courtrooms the last couple of  
11 days. My name is Stanford Bandelli. I'm defense counsel  
12 for Harold Gopaul. As everybody said to you, this is jury  
13 selection. It's about picking fair and impartial jurors.  
14 It's a huge responsibility. Okay?

15 I don't have a lot of time to get to really know  
16 you, and I have to make an important decision in terms of  
17 whether or not you would be a good candidate to sit on this  
18 case because at the end, as you know, you are going to go  
19 back into a room and you are going to have to deliberate  
20 with other jurors. You are going to have to make an  
21 incredibly important decision. In a short period of time  
22 you have to figure this out.

23 We are allowed to ask you questions. It's not  
24 personal. I don't want to make you feel uncomfortable. The  
25 idea is to figure out is this a case for you because once

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1 you are on, it's too late then. You can't say, I didn't  
2 expect to hear that. Judge, Mr. Bandelli, Mr. Rosenblatt, I  
3 shouldn't be on this case. Now is the time. Okay?

4 Is there anything that anybody hasn't said that  
5 they might feel they should say before I go any further?  
6 No. Good.

7 You have an advantage over everybody here not just  
8 because you were a juror but you sat on a sexual abuse case.

9 PROSPECTIVE JUROR: Yes.

10 MR. BANDELLI: I would imagine that you were  
11 required to the evaluate the credibility of a witness, of  
12 somebody who was sitting over here (indicating).

13 PROSPECTIVE JUROR: Yes.

14 MR. BANDELLI: What were the factors?

15 PROSPECTIVE JUROR: In that case?

16 MR. BANDELLI: No. What were the factors that you  
17 relied on in reaching a decision whether or not, you know, a  
18 witness was believable or not believable?

19 PROSPECTIVE JUROR: Paying close attention to them  
20 and the other witnesses. There were quite a few witnesses.

21 MR. BANDELLI: So, the fact there was more than  
22 one witness and that maybe other witnesses could corroborate  
23 or disprove something, that is helpful.

24 PROSPECTIVE JUROR: Right. That was very helpful.

25 MR. BANDELLI: I bet it was.

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1                   They only have one witness in this case. You are  
2 not going to have the benefit of three or four people coming  
3 in.

4                   THE COURT: Sustained.

5                   MR. BANDELLI: I'm just following up on what he  
6 said.

7                   What if the witness said one thing one time and  
8 said something different later? Would that be a factor that  
9 would influence whether or not you believed the witness was  
10 being truthful?

11                  PROSPECTIVE JUROR: I guess depending on what they  
12 said and how different their testimony was.

13                  MR. BANDELLI: What if it was, Yes, it's true.  
14 No, it's not true. They said, Yes, it's true. Then they  
15 said, No, it's not true. Would that influence?

16                  PROSPECTIVE JUROR: That would be very difficult.

17                  MR. BANDELLI: Right. Anybody disagree that if  
18 somebody says one thing one time and something else at  
19 another time that that is or isn't a factor that should be  
20 considered when determining whether or not somebody is  
21 credible or truthful?

22                  Sir, is that a factor you would consider?

23                  PROSPECTIVE JUROR: Well, I believe everything a  
24 person says on evidence has everything to do with the case.

25                  MR. BANDELLI: Okay. That makes sense.

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1 PROSPECTIVE JUROR: I would be suspicious of it.

2 MR. BANDELLI: Does that have to do with your  
3 training as a police officer?

4 PROSPECTIVE JUROR: Well, yeah, I think so. That  
5 coupled with counseling, too.

6 MR. BANDELLI: I bet because you are dealing  
7 with --

8 PROSPECTIVE JUROR: I'm dealing with people that  
9 have been sexually abused. The majority -- half of the  
10 population of substance abuse cases have been molested.

11 MR. BANDELLI: You have a very, very sensitive  
12 type of job.

13 PROSPECTIVE JUROR: Yes.

14 MR. BANDELLI: I would imagine frequently you are  
15 in a position --

16 PROSPECTIVE JUROR: A lot of the time a lot of the  
17 female patients, they don't even want a male counselor.

18 MR. BANDELLI: They feel more comfortable speaking  
19 to a woman.

20 PROSPECTIVE JUROR: Yes.

21 MR. BANDELLI: Especially if it's a young girl. I  
22 understand that.

23 Mr. Rosenblatt came up with this hypothetical  
24 about -- I don't know if he was supposed to have robbed  
25 somebody or somebody was supposed to rob somebody, but they

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1       were dressed like him. The bottom line is he was trying to  
2       get to a point about whether or not one witness would be  
3       enough for you to render a verdict either way, right?

4               Then one of the things that he said was that he  
5       said -- were you the victim?

6               PROSPECTIVE JUROR: Yes.

7               MR. BANDELLI: He said you called the police,  
8       right?

9               PROSPECTIVE JUROR: Yes.

10              MR. BANDELLI: You called the police right after  
11       it happened.

12              PROSPECTIVE JUROR: Yes.

13              MR. BANDELLI: Say you called the police a year  
14       after it happened.

15              MR. ROSENBLATT: Objection.

16              MR. BANDELLI: This is based on his hypothetical.

17              THE COURT: What's the basis of your objection?

18              MR. ROSENBLATT: Going into facts of the case,  
19       your Honor.

20              MR. BANDELLI: I'm going into his hypothetical.

21              THE COURT: Don't go into the facts of this case.

22              MR. BANDELLI: Judge, was there a ruling?

23              THE COURT: Don't go into the facts of this case.

24              MR. BANDELLI: Absolutely not.

25              If the phone call was made a year after it

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1       happened --

2               MR. ROSENBLATT:  Objection.

3               THE COURT:  Approach the bench please.

4               (Side-bar discussion held off the record.)

5               MR. BANDELLI:  I'm back.  Getting back to my  
6       point, and I'm not going to belabor it, but his hypothetical  
7       was you called right after it happened, and you reported it  
8       to the police.  Say you hadn't called for a year, and you  
9       reported it to the police then.  Would that be a factor in  
10      terms of determining whether or not he was telling truth  
11      about what had happened, a delay between the time of the  
12      occurrence and the time of reporting it?  Anybody?

13              PROSPECTIVE JUROR:  No.  That wouldn't be logical,  
14      a year after.

15              MR. BANDELLI:  Right?  That wouldn't make sense.  
16      Go ahead, Doctor.

17              PROSPECTIVE JUROR:  But if somebody felt scared of  
18      the person, if the person said, If you call the police I'll  
19      kill you or if --

20              MR. BANDELLI:  You are good.  Good.  Good.

21              PROSPECTIVE JUROR:  Some people have shame and  
22      guilt and --

23              MR. BANDELLI:  Exactly.  That's the key.  You  
24      can't rely on these hypotheticals.  You have to listen to  
25      what they say over here.  So, if they are able to explain it



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1 was this or that, you might consider that; but if they  
2 explain it in a way that you are like, You know what? I'm  
3 not buying that. It's not logical. Then you are going to  
4 see it the other way, right?

5 One of the things we didn't go over and we went  
6 over it with the other panel, in every case, okay -- and the  
7 judge will charge you on this -- the defendant has an  
8 absolute right not to testify. It's kind of like a funky  
9 thing. If you watch the shows, you know all about it,  
10 right?

11 The bottom line is a person doesn't have to get up  
12 there. My client, Harold, doesn't have to get up there and  
13 say, Oh, that's not what happened. I didn't do it. I know  
14 most people would feel like, Wait a second. If I was  
15 sitting there charged with a crime, I would get up there and  
16 say I didn't do it. That's not what happened.

17 Does anybody have a concern about whether or not,  
18 you know, they are going to need to hear from the other  
19 side?

20 In other words, they are going to need to hear  
21 what my client, Mr. Gopaul, has to say about what happened.

22 Ma'am, you sat as a juror. You went through all  
23 of this. Was that a factor for you?

24 PROSPECTIVE JUROR: No, it was not.

25 MR. BANDELLI: You would rule it out, right?

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1 PROSPECTIVE JUROR: Yes.

2 MR. BANDELLI: Does anybody feel -- you are  
3 raising your hand?

4 PROSPECTIVE JUROR: No.

5 MR. BANDELLI: Speak to me. Do you have something  
6 to say?

7 PROSPECTIVE JUROR: No. I mean, I'm a fair  
8 person, you know.

9 MR. BANDELLI: No. No. I don't think you are  
10 unfair. I'm just trying to figure out whether or not this  
11 is something that would be important. I mean, it's common  
12 sense. You know, it's funny. When I talk to my children, I  
13 want to hear what they have to say if somebody says  
14 something. What's your side of it? What's your side of it?

15 THE COURT: Let me interrupt you for a second,  
16 Mr. Bandelli.

17 Ladies and gentlemen, as you heard, one of those  
18 three basic principles, the defendant does not have to do  
19 anything in this case. All right? In life you like to hear  
20 both sides of a story. That's natural, but in the American  
21 criminal justice system, it's not like that. The DA brings  
22 the charges, and the DA must prove the charges beyond a  
23 reasonable doubt. Many times you don't hear from the  
24 defense at all. That's just the way it is.

25 Anyone here have a problem with that? That's the

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1 way the system is. DA brings the accusation. He must prove  
2 the accusation beyond a reasonable doubt. You may not hear  
3 anything from the other side. Everyone comfortable with  
4 that? Good.

5 You have one more minute, Mr. Bandelli.

6 MR. BANDELLI: Thank you, Judge.

7 You know what? Like I said, it's a really short  
8 time that I have a chance to talk with you, and the DA and  
9 the judge, and, you know, I apologize if I didn't call on  
10 somebody individually. No insults are intended. I'm trying  
11 to get as much information as I can. Does everybody feel  
12 that if they were chosen in this particular case to sit as a  
13 juror, if I chose you, you know what? I want this person on  
14 this jury because I think they can be fair and impartial.  
15 Anybody here feel, you know what? You got it wrong,  
16 Bandelli. I couldn't do it.

17 Sir?

18 PROSPECTIVE JUROR: Fine.

19 Ma'am?

20 PROSPECTIVE JUROR: Fine.

21 MR. BANDELLI: Doctor?

22 PROSPECTIVE JUROR: I can do it.

23 MR. BANDELLI: Ma'am?

24 PROSPECTIVE JUROR: Yes.

25 MR. BANDELLI: Ma'am? Sir?

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1 PROSPECTIVE JUROR: Yes.

2 PROSPECTIVE JUROR: Yes.

3 MR. BANDELLI: Are you sure?

4 PROSPECTIVE JUROR: I'm a fair person.

5 MR. BANDELLI: That's it. Say it with confidence.

6 Don't make we wonder. Bold language tells us something.

7 Okay?

8 Ma'am?

9 PROSPECTIVE JUROR: Yes.

10 MR. BANDELLI: Ma'am?

11 PROSPECTIVE JUROR: I'm in the middle.

12 MR. BANDELLI: In the middle. You don't know if  
13 you can be fair and impartial in this case; do you? It's  
14 okay. We are better off knowing now.

15 PROSPECTIVE JUROR: I'm in the middle.

16 MR. BANDELLI: Sir.

17 PROSPECTIVE JUROR: I can do it.

18 MR. BANDELLI: Ma'am.

19 PROSPECTIVE JUROR: I can do it.

20 MR. BANDELLI: Sir.

21 PROSPECTIVE JUROR: Yes.

22 MR. BANDELLI: Ma'am.

23 PROSPECTIVE JUROR: I would have a hard time  
24 without Mr. Gopaul testifying because I'm in news research.  
25 This is what I spend my whole day doing is finding out what

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1 people don't want to say. I think I would have a hard time  
2 restraining myself from trying to find out more.

3 MR. BANDELLI: I understand that. That's why it's  
4 a crazy system. People are saying, Well, we all operate  
5 this way, and so I appreciate your honesty.

6 I saw you shaking your head.

7 PROSPECTIVE JUROR: I agree with her, but based on  
8 what needs to be done, that's what I would have to base.

9 MR. BANDELLI: You could be fair and impartial?

10 PROSPECTIVE JUROR: Yes.

11 MR. BANDELLI: I'm going to be okay.

12 PROSPECTIVE JUROR: Yes.

13 MR. BANDELLI: Thank you very much.

14 THE COURT: Please come in the back when you are  
15 both ready.

16 (Pause in proceedings.)

17 (The following proceedings took place in the jury  
18 room.)

19 THE COURT: Alternate seat number one, People, any  
20 challenge for cause as to Nazario or Declementi?

21 MR. ROSENBLATT: No.

22 THE COURT: Any challenge for cause,  
23 Mr. Bandelli --

24 MR. BANDELLI: No.

25 THE COURT: -- as to Nazario or Declementi?

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1 MR. BANDELLI: No.

2 THE COURT: Any perempt, People?

3 MR. ROSENBLATT: No.

4 THE COURT: Nazario or Declementi.

5 MR. BANDELLI: Number two.

6 THE COURT: Defense challenges Barbara Declementi.

7 Christopher Nazario is acceptable to both sides?

8 MR. ROSENBLATT: Yes.

9 MR. BANDELLI: Yes.

10 THE COURT: He becomes alternate number one.

11 For alternate seat number two, the People, any

12 challenge for cause as to Salvit or Sherazi?

13 MR. ROSENBLATT: No.

14 THE COURT: Any cause challenge?

15 MR. BANDELLI: No.

16 THE COURT: People, any challenge as to Salvit or

17 Sherazi?

18 MR. ROSENBLATT: Mr. Salvit.

19 THE COURT: Thank you. Okay. People challenge

20 Jordan Salvit.

21 Any challenge as to Sherazi?

22 MR. BANDELLI: Yes.

23 THE COURT: Okay. Defense challenges Hasnain

24 Sherazi.

25 You both have one more challenge left for

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1 alternate seat number two.

2 Mr. ADA, any cause challenge as to Berman or  
3 Basdeo.

4 MR. ROSENBLATT: No.

5 THE COURT: Any cause challenge?

6 MR. BANDELLI: No.

7 THE COURT: Any perempt, People, as to Berman or  
8 Basdeo?

9 MR. ROSENBLATT: Mr. Berman.

10 THE COURT: The People challenge Brady Berman,  
11 prospective juror number five.

12 Any challenge as to Basdeo, Mr. Bandelli?

13 MR. BANDELLI: Yes.

14 THE COURT: Defense challenge Bhanwati Basdeo.

15 You have no more challenges left for the second  
16 seat.

17 Any challenge for cause, People, as to Lotito or  
18 Manini?

19 MR. ROSENBLATT: No.

20 THE COURT: Any cause challenge?

21 MR. BANDELLI: No.

22 THE COURT: You both used your two challenges for  
23 alternate seat number two.

24 MR. ROSENBLATT: I did, too.

25 THE COURT: Right. I said you both used it.

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1 MR. BANDELLI: Yes, you did.

2 THE COURT: Did I misspeak?

3 MR. BANDELLI: No.

4 THE COURT: Paula Lotito is acceptable to both  
5 sides?

6 MR. ROSENBLATT: Yes.

7 MR. BANDELLI: Yes, she is.

8 THE COURT: She becomes alternate number two.

9 Daniel Manini acceptable to both sides?

10 MR. BANDELLI: Yes.

11 MR. ROSENBLATT: Yes.

12 THE COURT: He becomes alternate number three.

13 For alternate seat number four, any challenge for  
14 cause as to Wallace or Kavon?

15 MR. ROSENBLATT: Miss Kavon said she can't be  
16 fair.

17 THE COURT: Miss who?

18 MR. ROSENBLATT: Number 11, Kavon.

19 THE COURT: Shira.

20 MR. BANDELLI: She did.

21 THE COURT: Consent?

22 MR. BANDELLI: Yes.

23 THE COURT: Shira Kavon is excused consent of both  
24 sides.

25 All right. Do you have any challenge for cause as



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1 to Georgia Wallace, Mr. Bandelli?

2 MR. BANDELLI: No.

3 THE COURT: Any perempt, People, as to Wallace?

4 MR. ROSENBLATT: No.

5 MR. BANDELLI: No.

6 THE COURT: All right. Georgia Francis Wallace is  
7 acceptable to both sides?

8 MR. BANDELLI: Yes.

9 MR. ROSENBLATT: Yes.

10 THE COURT: She becomes alternate number four.

11 Okay. We have a jury.

12 (In open court.)

13 THE CLERK: Of the jurors seated in the jury box,  
14 will the following four people remain seated:

15 Christopher Nazario, Paula M. Lotito, Daniel T.  
16 Manini and Georgia A. Francis Wallace. You four, remain  
17 seated. Everybody else return to central jury now.

18 Jurors, please step out to your right.

19 Will our four new jurors rise and raise your right  
20 hand.

21 (Selected jurors sworn in by the clerk of the  
22 court.)

23 (Panel of sworn jurors enters the courtroom.)

24 THE CLERK: Will all of the jurors please rise one  
25 more time and raise your right hand.

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1 (Jury sworn in as a whole by the clerk of the  
2 court.)

3 THE CLERK: Members of the jury, at this point I'm  
4 required by law to instruct you generally concerning your  
5 basic function, duties and conduct as jurors. I'll acquaint  
6 you in a general way with the trial procedure and certain  
7 rules which apply to every jury trial.

8 As you know, this is a criminal case which has  
9 been brought by the People upon an indictment accusing the  
10 defendant of various crimes of criminal sexual act in the  
11 first degree, sexual abuse in the first degree, criminal  
12 sexual act in the third degree and other charges.

13 Please keep in mind that the indictment is not  
14 evidence. It's merely the device used by law to bring the  
15 charges against the defendant to trial as we are doing here  
16 today.

17 According to the law, the People have the burden  
18 of proving beyond a reasonable doubt each element of the  
19 crimes charged in the indictment. The defendant does not  
20 have to prove anything. He is presumed innocent of the  
21 charges.

22 The trial has started with the selection of you as  
23 the jury. The next step in the trial will be an opening  
24 statement by the People represented by Assistant District  
25 Attorney Jared Rosenblatt during which he is required by law

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1 to indicate to you what he intends to prove by way of  
2 evidence to support the charges in the indictment.

3 After that Mr. Bandelli, if he desires, may also  
4 make an opening statement. There is no requirement that  
5 defendant make an opening statement.

6 What counsel for either party says in an opening  
7 statement is not evidence. You may consider the opening  
8 statement as a preview of what the DA intends to prove, an  
9 outline of the nature of the charges and how the People  
10 expect to prove the charges set forth in the indictment.

11 The ADA will present a witness or witnesses who  
12 will be questioned by him. That's called direct  
13 examination. After the DA completes his questions, defense  
14 counsel will be given an opportunity to question the  
15 witness. That's called cross-examination.

16 After the People have concluded calling their  
17 witnesses and the introduction of any exhibits which are  
18 admissible into evidence, the defendant may, if he chooses  
19 to do so, offer evidence in his defense but again is not  
20 require to do so.

21 Following the presentation of evidence, if any, by  
22 the defendant, the People may offer evidence in rebuttal of  
23 the defense evidence. The defendant then may offer evidence  
24 in rebuttal of the People's rebuttal evidence.

25 After the defendant rests and the People rest, the

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1 defendant may make a closing argument, following which the  
2 People may make a closing argument. Under our law the  
3 defense attorney must sum up first and assistant DA must sum  
4 of last. Please remember that what a lawyer says in  
5 summation is not evidence. Summations, however, provides  
6 each lawyer an opportunity to review the evidence presented  
7 and submit for your consideration the facts, inferences and  
8 conclusions which they contend may be properly drawn from  
9 the evidence.

10 I will then charge you on law, and you will retire  
11 to deliberate for the purpose of reaching a verdict. That's  
12 a statement of the trial procedure.

13 For the most part, evidence consists of testimony  
14 of witnesses under oath and exhibits which are introduced  
15 into evidence. Questions in and of themselves are not  
16 evidence. Therefore, you cannot infer any fact from the  
17 mere asking of a question. It's the answer couple with  
18 question that constitutes evidence in this case.

19 During the course of the trial either attorney, DA  
20 or defense attorney, may object to a question or an answer  
21 on the ground that somehow it is legally improper or  
22 inadmissible. If I sustain the objection, that means that I  
23 have determined that the question or an answer was in some  
24 manner improper; therefore, in the first instance, the  
25 question may not be asked and, in the second instance, if an

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1 answer has already been given, I will say, That is stricken  
2 from the record, and, therefore, the answer is not evidence  
3 in the case.

4 However, if I overrule the objection, then it  
5 means that the question is proper, and I will permit it to  
6 be answered or, if it's already been answered, I will allow  
7 the answer to stay as evidence in the case.

8 Please do not resent the fact that either side  
9 makes objections. That's their duty. Don't hold it against  
10 them if I rule against them.

11 Exhibits, such as photos, documents or other  
12 tangible objects presented by either counsel during the  
13 course of the trial will be first marked for identification  
14 only. Such exhibits are not evidence until and unless they  
15 are received in evidence by the Court. If I believe, under  
16 our rules of evidence, that such exhibit may be received in  
17 evidence, then only does it become evidence for your  
18 consideration.

19 As I'll explain to you in my charge later on, you  
20 are the judges of the fact, and I'm the sole judge of the  
21 law, and you must accept the law as I give it to you  
22 throughout the course of this trial without hesitation or  
23 reservation even if you privately disagree with me.

24 It's my function to make rulings and charge you on  
25 the law. You must neither offer nor express an opinion as

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1 to the guilt or lack of guilt of the defendant until I  
2 finally give the case to you at the end. You are not to  
3 attempt to research any fact, issue or law related to this  
4 case whether by discussion with others, by research in a  
5 library or on the internet or by any other means. You must  
6 not visit or view any location mentioned during the course  
7 of this trial, and you must promptly report to the Court any  
8 incident within your knowledge involving any attempt by any  
9 person to attempt to improperly influence any member of the  
10 jury.

11 You are not to take any notes during course of  
12 this trial. Please bear in mind that during course of your  
13 deliberations at the end of the case you can have any  
14 testimony read back to you in the courtroom while you are  
15 deliberating on this case.

16 As I told you before, you may run into the parties  
17 during the course of this trial out on the street or in the  
18 elevator or in the hallways. Don't attempt to engage them  
19 in conversation. You are not allowed to talk to them. They  
20 are not allowed to speak to you during the course of the  
21 trial.

22 The first juror sworn, Mr. Kevin Leong, is the  
23 foreman of this jury. That doesn't give his vote any more  
24 weight when it comes to deciding this case, but it gives him  
25 an extra duty. During the course of your deliberations, the

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1 jury communicates with the Court, that is with me, through  
2 written notes, and those notes have to be signed by the  
3 foreman, Mr. Leong.

4 I want to thank you again for your cooperation  
5 during jury selection, and thank you for fulfilling your  
6 obligation as citizens of this county as jurors in this  
7 case, and we will proceed to the next stage which will be an  
8 opening statement by the assistant district attorney,  
9 Mr. Jared Rosenblatt, and you will hear that after lunch.  
10 We are going to recess give you a few extra minutes for  
11 lunch today.

12 Do not discuss the case among yourselves or anyone  
13 else. If anyone tries to discuss it with you, you are to  
14 bring it to my attention immediately. You are not to visit  
15 any locations mentioned, and you are not to form any opinion  
16 as to whether or not you feel the defendant is guilty or not  
17 guilty of the crimes with which he is charged.

18 Enjoy your lunch. Come back here at 2 o'clock.  
19 We will hear the opening statements. Thank you very much.  
20 Follow the instruction of the court officer.

21 (Panel of sworn jurors exits the courtroom.)

22 THE COURT: 2 o'clock. Please put Mr. Gopaul back  
23 in.

24 (Recess taken.)

25 \* \* \*

## Proceedings

1 THE CLERK: Case on trial. All parties are  
2 present, your Honor.

3 MR. ROSENBLATT: Judge, I turned over another copy  
4 of the medical records to Mr. Bandelli. When I looked  
5 through our Rosario material earlier, I realized it was not  
6 included. I'm not sure if he had it before that, but just  
7 to be certain, I've turned over another copy.

8 THE COURT: Thank you, Mr. DA.

9 My ruling on the Sandoval issue is as follows:

10 The DA may ask defendant, if he decides to take  
11 the witness stand on his own behalf, about the fact that he  
12 was convicted of numerous felonies on May 15, 2009. The ADA  
13 may not ask about the underlying facts of those convictions,  
14 may not ask about the particular charges he was convicted  
15 of. Those charges are similar to the charges for which the  
16 defendant is standing trial right now. He cannot ask about  
17 the sentences that were imposed on those. He can only ask  
18 about the fact that the defendant was convicted of numerous  
19 felonies on May 15, 2009.

20 MR. BANDELLI: Judge, if I may, first off, note my  
21 exception, but what is the relevance in terms of credibility  
22 of that conviction? I don't understand. I thought the  
23 relevance in Sandoval had to do with particular crimes  
24 somebody was convict of.

25 THE COURT: That's my ruling. You have your



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1 exception.

2 MR. BANDELLI: Yes, sir.

3 THE COURT: Bring in the jury, please.

4 COURT OFFICER: Jury entering.

5 (Panel of sworn jurors enters the courtroom.)

6 THE CLERK: Case on trial. All parties are  
7 present, your Honor.

8 Do both sides stipulate that all jurors are  
9 present and properly seated?

10 MR. ROSENBLATT: Yes.

11 MR. BANDELLI: Yes.

12 THE COURT: I will now proceed with next stage in  
13 this trial which will be an opening statement by the  
14 assistant district attorney Mr. Rosenblatt.

15 MR. ROSENBLATT: Thank you, your Honor.

16 THE COURT: You may proceed.

17 OPENING STATEMENT

18 BY MR. ROSENBLATT:

19 MR. ROSENBLATT: May it please Court, members of  
20 the jury. In May of 2005 Sana Awan was 14 years old. Her  
21 body began to develop. She no longer looked like a child.  
22 She began to appear as a young woman, and the defendant,  
23 Harold Gopaul, her stepfather, took notice. He began to  
24 find her sexually attractive.

25 In May of 2005, the defendant was 47 years old,

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1 and the defendant lived at 242-10 89 Avenue here in the  
2 county of Queens in Bellerose. The defendant lived there  
3 with his wife, Merlin, and their two children, Kaitlin, who  
4 was six, and Darian, who was five, and their step-daughter,  
5 Merlin's daughter from a different father, Sana Awan.

6 On a date between May 1, 2005 and August 31, 2005,  
7 inside that residence in Bellerose, the defendant forever  
8 altered his fatherlike relationship to his stepdaughter,  
9 Sana Awan. He changed his role of father figure to sexual  
10 abuser, and between May and August in 2005, on one date when  
11 Sana was 14 years old, she exited their shower inside their  
12 home. Her mother was asleep. The kids were asleep, and her  
13 stepfather, the defendant, was present inside of the  
14 bathroom. As Sana exited the shower, he told her to remove  
15 her towel. He told her to be quite. He told her to shoosh  
16 and not to say anything.

17 He grabbed her, her 14 year old body,  
18 approximately 90 pounds and under five feet tall, and told  
19 her to sit on their hamper. She tried to push her  
20 stepfather away. She told him, No. He physically resisted  
21 her attempt to push him away. He forced open Sana's legs,  
22 and she tried to close them. She was 14 year old and not  
23 strong enough to push back her 47 year old stepfather.

24 The defendant forced open her legs, put his head  
25 on her vagina and licked her vagina. She tried to push him

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1 away and he continued.

2 Sana was 14 years old and had been living with the  
3 defendant since she was approximately three or four years  
4 old. He helped raise her. This was the beginning of how  
5 the defendant began an abusive sexual relationship with his  
6 stepdaughter Sana Awan.

7 Members of the jury, as a result of the way this  
8 defendant violated sexually his stepdaughter, a grand jury  
9 comprised of citizens like yourself from this county  
10 indicted the defendant on a litany of charges. He was  
11 indicted for criminal sexual act in the first degree. That  
12 is one count for each time that he forcibly engaged in oral  
13 sex with his stepdaughter, Sana Awan. That is every time  
14 his mouth touched her vagina he is charged with criminal  
15 sexual act in the first degree.

16 These acts begin in May of 2005, between May 1 and  
17 August 31 and continue through June of 2008. He was  
18 indicted for sexual abuse in the first degree. That is his  
19 hand touched her vagina. He forcibly took his hand and  
20 touched her vagina. He was indicted for sexual abuse in the  
21 first degree for how he forced his hands onto Sana's breasts  
22 beginning -- withdrawn.

23 He was also indicted for sexual abuse in the first  
24 degree for how he grabbed Sana's hands and forced it onto  
25 his penis forcing her to jerk him off.

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1 He was also indicted for criminal sexual act in  
2 the second degree, a statutory crime, and unlike the  
3 criminal sexual act in the first degree, which I told you  
4 requires me to prove force, criminal sexual act in the  
5 second degree he was indicted for based upon his age and  
6 based upon Sana's age because at that time she was under the  
7 age of 15.

8 He was also indicted for criminal sexual act in  
9 the third degree, another statutory crime based upon his age  
10 and when Sana was under the age of 17. Those are for every  
11 time his mouth touched her vagina, and he was also indicted  
12 for assault in the third degree because in June of 2008 he  
13 hit her about her arms and her body; and, lastly, the  
14 defendant was indicted for endangering the welfare of a  
15 child.

16 Now, during your selection the judge told you many  
17 times that that was not the time to discuss evidence, but  
18 now is that time. This is my opportunity to discuss with  
19 you how I will prove the defendant guilty of each and every  
20 charge of the indictment. I will prove to you how he  
21 forcibly took advantage of his stepdaughter, Sana Awan,  
22 beginning when she was 14, when she was a young teenage girl  
23 who trusted the defendant, a grown man, someone she  
24 considered her father. I will prove to you how he did this.

25 I will prove to you how he took his

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1 father-daughter relationship and transformed it into a  
2 sexual one to satisfy his sexual desires.

3 Here is how I will prove the defendant guilty  
4 during this trial:

5 When Sana Awan was approximately three or four  
6 years old and around 1994, Sana's mother and the defendant  
7 began living together. From that point on the defendant was  
8 the primary father figure in Sana's life. For approximately  
9 the next ten years, Sana, the defendant and Sana's mother  
10 lived together, and eventually the defendant and Sana's  
11 mother had their own two children, Kaitlin and Darian, and  
12 although Sana did not choose for the defendant to be her  
13 stepfather, they grew to have a strong relationship. Sana  
14 even call him "dad."

15 Until 2005, they had a normal parent-daughter  
16 relationship. They went together on vacation. He took her  
17 out in public. He helped her with her homework, and until  
18 that time between May and August of 2005, Sana had every  
19 reason to trust the defendant, but unfortunately Sana did  
20 not have the closest relationship with her mother. The  
21 defendant filled that parental role primarily for Sana. The  
22 defendant was a man Sana looked up to. She admired him and  
23 trusted him until he violated that trust.

24 They lived together in Bellerose, the five of  
25 them, and they had one bathroom for the five of them.

## Opening-People

1 During the course of the trial you are going to learn that  
2 many times when one person was in the shower, another person  
3 would come in and use the sink to brush teeth or wash their  
4 face. They had an open relationship with the bathroom.  
5 They shared their space.

6 The defendant took this trust as a father and he  
7 broke it. The man who had raised Sana since she was  
8 approximately three years old was unable to resist his  
9 sexual attraction to his stepdaughter. He used a  
10 combination of threats and force to continue his sexual  
11 relationship over time.

12 During this trial, members of the jury, you will  
13 learn that the betrayal of trust can be more dangerous than  
14 a weapon. You will see during the course of this trial,  
15 through the testimony of witnesses, how the defendant's  
16 betrayal of trust cast a world of confusion on Sana. It  
17 confused her emotions. It confused her way of thinking.

18 Sometime between May and August of 2005, Sana  
19 doesn't remember the exact date, but during that time period  
20 when this first began began this transformation. Sana 's  
21 breasts began to develop. She had pubic hair that began to  
22 show, and early one morning when she woke up, she went to  
23 take that shower. This is when the sexual relationship  
24 began.

25 She will tell you during course of this trial that

## Opening-People

1 she loved the defendant up to that point, that she trusted  
2 him and felt him to be a role model for her. She trusted  
3 him for the 11 years, up until the approximate ten to 11  
4 years up until that point, and on that date, between May and  
5 August, he ignored her requests to stop. He told her to  
6 stop. She tried to close her legs, and the defendant  
7 ignored Sana.

8 During this trial you are going to hear from Sana  
9 Awan. She is no longer 14 years old. She is now 19 years  
10 old. She no longer lives with or has any contact with her  
11 mother or stepfather. She is now a stronger and more  
12 courageous girl than she was previously, and she is going to  
13 come into this courtroom during the course of this trial and  
14 speak to you, 16 strangers who she has never met, and  
15 describe to you how the defendant took advantage of her  
16 sexually. She will rehash the embarrassing details of a  
17 secret she held for years, a secret she held onto and didn't  
18 tell anyone until 2008.

19 She is going to be asked to retell the  
20 embarrassing details of how the defendant forced his mouth  
21 onto her vagina, how he grabbed her breasts with his hand,  
22 how he forced her to touch his penis. She will tell you how  
23 he threatened her with a knife. For three years  
24 continuously, from 2005 through 2008, he forced his body  
25 onto her. He told her to keep it a secret. He told her he

## Opening-People

1 would get in trouble if she told anyone, and Sana kept it a  
2 secret for three years. From May of '05 until June of 2008  
3 Sana did not tell a soul. She did not tell her mother. She  
4 did not tell her siblings. She did not tell her closest  
5 friends how the defendant sexually abused her.

6 In public the defendant tried to act normal  
7 towards his stepdaughter. She was scared to tell her  
8 mother. She was scared for many reasons. The defendant was  
9 the only one who was working in the home. He was the only  
10 one bringing home money. Sana was scared. What would  
11 happen to the family if they lost the financial support of  
12 the only one providing money to her and her brother and  
13 sister?

14 She didn't have a relationship with her mother  
15 where she felt that she could entrust her to tell her this  
16 secret, a bond that many mothers and daughters have. Sana  
17 did not have that type of relationship.

18 The acts didn't end after August of 2005. They  
19 continued. After that first act between May and August of  
20 2005, the defendant continued this conduct over the next  
21 three years. She continued to have fear. She continued to  
22 have fear of what would happen if the defendant wasn't there  
23 to support her brother and sister. She was afraid of no one  
24 believing her. She was afraid if she told anyone, what they  
25 would say if they didn't believe her and made her go back to



## Opening-People

1 the man who was abusing her.

2 She remained quiet, and she complied with the  
3 defendant's demands from '05 through '08. His behavior  
4 continued into '08. Between January and February of 2008,  
5 the defendant continued his sexual relationship with his  
6 stepdaughter. Between January and February of 2008, on one  
7 date, the defendant forced his mouth on her vagina. He  
8 forced his hands onto her breasts. He forced her to grab  
9 his penis with his hand, telling her what to do and what  
10 would happen if she didn't.

11 In one month in March -- excuse me. On one date  
12 in March, on one date in April and on one date in May, the  
13 defendant continued this same abuse, forcing his hand on her  
14 breasts, vagina, forcing her hands onto his penis and  
15 forcibly licking her vagina.

16 In May of 2008 when the defendant picked up Sana  
17 from school, he came to observe Sana talking to a classmate  
18 of hers, a boy, and when the defendant came to school and  
19 observed that, he became even more abusive to Sana. In  
20 fact, he picked her up and dropped her off on a daily basis  
21 after he observed her talking to this boy outside the  
22 school, and in May and June of 2008, the defendant would  
23 take Sana to school early, and he would drive her to the  
24 vicinity of 74-20 Commonwealth Boulevard, in the vicinity  
25 around there, which is in the heart of Queens, near Sana's

## Opening-People

1 school, before school, inside the car, the defendant  
2 threatened Sana with a knife.

3 He threatened to cut off Sana's fingers with a  
4 knife that he had in his car. He did this in the vicinity  
5 near her school. He parked the car and did it inside the  
6 car. He told her, I'm going to show you how serious I am,  
7 pointing the knife at her, threatening to cut off her  
8 fingers.

9 In May and June of 2008, on one date inside that  
10 car, near the school, he forced his hands onto her vagina  
11 and breasts and forced her to touch his penis inside the car  
12 in the vicinity of that school.

13 During this trial you are going to see that knife  
14 which was recovered by members of the Police Department  
15 during their investigation of the defendant.

16 May of 2008 has pretty strong significance to Sana  
17 Awan because in May of 2008, the defendant tried to advance  
18 the relationship even further. In fact May 14, 2008 is a  
19 day that will forever remain in Sana's mind. Many of the  
20 dates she doesn't remember. You are going to hear during  
21 the course of this trial that when the abuse occurs, over  
22 time the memories tend to blend together, and an individual  
23 has difficulty picking out when incidents occurred when they  
24 occur the same way over a period of time; but Sana remembers  
25 May 14, 2008, because on May 14, 2008, that was day that the

## Opening-People

1 man she called dad, the defendant, the man who raised her,  
2 the man who fathered her siblings, the man who used to help  
3 her with her homework made Sana promise him something.

4 On May 14, 2008 the defendant made Sana promise  
5 that he would be the one. Well, what's "the one"? Well,  
6 the defendant wanted to be the one that would take the  
7 virginity away from his stepdaughter because he told her  
8 that in one month we are going to have sex.

9 During the month of June, on one date, the  
10 defendant again forced his hand on her vagina, forced his  
11 hand on her breast, forced his mouth to her vagina, forced  
12 her to touch his penis inside of their home in Bellerose.  
13 When June 14 came and went, Sana felt a sense of relief.  
14 She thought it had been forgotten or it was over, but it  
15 wasn't because days after June 14, the defendant again  
16 reminded Sana that the day had passed, the date that he had  
17 selected, and he picked a new date, Wednesday, June 25.

18 As the 25th approached, Sana's nerves increased.  
19 Her thought that the defendant had forgotten that date  
20 wasn't going to come true. She had planned to run away, and  
21 she was trying to figure out how and when she would do it.

22 On Saturday, June 21, 2008, Sana woke up again to  
23 be abused by the defendant. He took her into his bedroom,  
24 and he used a vibrator that him and his wife had in the  
25 home, and rubbed it over her clothing near her vagina, and

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1 Sana began to cry, and he grew frustrated and he got mad,  
2 and he hit her, and then when Sana was crying inside of that  
3 bedroom in Bellerose, the defendant had the audacity to ask  
4 her why she was crying. Why she was so upset.

5 Later that day the defendant took Sana and her  
6 brother and sister, a friend and Sana's mother went to a  
7 local fair at a church where they had rides and games, and  
8 while at the fair Sana was waiting on line for a ride called  
9 the Zipper with her friend. As they waited on line and Sana  
10 got closer to front of the line, there was a person, a kid,  
11 near the front by himself, and the person running the ride  
12 told him he needed two people to go on the ride. Sana's  
13 friend indicated she would go on the ride with the kid  
14 waiting by himself.

15 Well, this did not fly with the defendant. He got  
16 angry because his wife apparently had some sort of  
17 toothache, and it bother him that he had to wait a little  
18 longer for Sana and her friend to be considerate and help  
19 this young boy on the ride. He yelled at Sana at the fair.  
20 He screamed at her. He told her to get off the line. He  
21 didn't want to wait anymore, and Sana grew upset and began  
22 to cry at the fair, began to cry at home, and eventually  
23 back inside of their home in Bellerose, after the fair, the  
24 defendant's anger continued, and he slapped Sana and hit her  
25 on her arms and face -- excuse me -- on her arms and face

## Opening-People

1 leaving bruises on her arms.

2 June 25 was approaching, and Sana knew she had to  
3 do something. The defendant had just gotten violent with  
4 her. He had remembered the date had passed and was planning  
5 to engage in sexual intercourse with his stepdaughter. She  
6 knew that the next day, which was Sunday, everyone was going  
7 to be home, so she couldn't run away that date because there  
8 would be too many people there. So, Sana packed up her  
9 belongings in a bag and hid them inside a closet so her bags  
10 would be ready to go for the right time.

11 That time was Monday June 23, 2008. Sana waited  
12 until her mother went to sleep. She waited for her younger  
13 brother and sister to fall asleep. It was the middle of  
14 June. It was hot. The air conditioners were on. There was  
15 noise in the home. After her mother, brother and sister  
16 went to bed, Sana called her best friend at the time, a girl  
17 by the name of Christine Alioto, and Sana told Christine she  
18 was going to run away. Christine asked why, and Sana, after  
19 three years of being abused by the defendant, three years of  
20 keeping his secret, she finally told somebody what had  
21 happened, and she told Christine that her father was abusing  
22 her and that her father was planning to rape her.

23 Christine went and wanted to tell her mother,  
24 Denise. You will see that Christine's relationship with  
25 Denise is totally different than that of Sana and her

## Opening-People

1 mother. Christine and Denise have a really close  
2 relationship, and Christine immediately handed the phone to  
3 her mother and said, Sana wants to tell you something, and  
4 Sana went on to tell Denise that the defendant had been  
5 abusing her for years and that she was running away.

6 Denise and Christine got in a car and picked up  
7 Sana after she ran out of her house a few blocks away, and  
8 when Denise and Christine finally had Sana in their car  
9 safe, away from the defendant, Denise didn't know what to  
10 do, so she called family members and asked where she should  
11 take her.

12 After speaking to members of her family, Denise  
13 took Sana straight over to the 105 Precinct in Queens where  
14 they reported what had been going on for the last three  
15 years.

16 Quite ironically, while Sana was upstairs in the  
17 105 Precinct telling a member of the Police Department what  
18 had been going on for the last three years, the defendant  
19 walked into the precinct because when he went home to check  
20 on his daughter from work, she wasn't in her bed, and as he  
21 walked in, they immediately recognized him as the man who  
22 had been abusing Sana. They had provided a description, and  
23 someone pointed him out as Harold Gopaul, the individual who  
24 was wanted in regards to the child abuse case upstairs in  
25 the Detective Squad.

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1           On June 24, 2008, the defendant was brought  
2           upstairs from where patrol is to the Detective Squad where  
3           he was brought into a room and he met a detective by the  
4           name of Lennard Shulman. Detective Shulman, a veteran of  
5           the 105 Precinct, asked the defendant if he would be willing  
6           to talk to him about allegations made against him by Sana,  
7           and he answered, Yes.

8           The defendant was read his Miranda warnings off a  
9           sheet of paper. The defendant acknowledged those warnings.  
10          He signed that sheet of paper, and he went on to write a  
11          written statement, a statement which you will see, a  
12          statement which he made not knowing what Sana had said, and  
13          he told the police that he had an argument with his  
14          daughter, and he slapped her.

15          Detective Shulman the left room, came back a short  
16          time later and informed the defendant that his daughter had  
17          made allegations against him that he was acting  
18          inappropriately to her, and on June 24, 2008 the defendant  
19          was asked again if he wanted to make a statement. The  
20          defendant again said, Yes.

21          Detective Shulman gave him a pad and a pen, and  
22          the defendant wrote out a second statement in his own  
23          handwriting, like the first, without knowing what Sana had  
24          said, and the defendant wrote down in his own handwriting,  
25          which you will see during this trial, that he had a sexual

## Opening-People

1 relationship with his daughter where he would touch her  
2 vagina, where he would touch her breasts, where she would  
3 touch his penis, where they would kiss.

4 He wrote, in his own handwriting in June of 2008,  
5 that this happened around five or six times; that he knew it  
6 was wrong, and that he needed help.

7 Members of the jury, during the course of this  
8 trial and when you deliberate and you evaluate these  
9 statements which you will get to see and hold in your own  
10 hands, I'm going to ask you to examine it and look at it not  
11 because what is contained in it is completely truthful,  
12 believable or accurate, I'm going to ask you to look at it  
13 to examine it because what it says about the defendant's  
14 relationship with his stepdaughter, what he was willing to  
15 say to the police when confronted without ever knowing what  
16 Sana had already told the detective.

17 I will prove to you that during these two  
18 statements, the defendant tries to keep himself out of  
19 trouble, tries to minimize his responsibility, and on  
20 June 24, 2008, the defendant was asked by Detective Shulman,  
21 later that day, if he would like to discuss his relationship  
22 with Sana with members of the district attorney's office,  
23 and the defendant again stated, Yes. He agreed that he  
24 would be willing to speak to members of my office; and on  
25 June 24, 2008, Assistant District Attorney Brian Hughes, a



## Opening-People

1 member of the Domestic Violence Bureau, and myself responded  
2 to the 105 Precinct to speak to the defendant.

3 You will see on the video with your own eyes  
4 defendant what he said two years ago before he had ever  
5 heard Sana Awan testify, before he ever sees police reports.

6 He was read his Miranda warnings again by  
7 Assistant District Attorney Brian Hughes, and what did the  
8 defendant say on video?

9 Well, during this trial you are going to see that  
10 the defendant admitted on June 24, 2008, in his own words,  
11 how his relationship with his daughter changed. How he  
12 began to touch her. How he began to touch her breasts, her  
13 vagina. How he would take her hands and put it on his  
14 penis. He admitted on video how he engaged in these sex  
15 acts with his daughter. He admitted on video how he became  
16 sexually attracted to his daughter. He got that attraction  
17 when she began to grow. Those are his words, and you will  
18 get to see it during this course of this trial.

19 He liked how she began to look. He found his  
20 stepdaughter attractive. He admitted that he told his  
21 stepdaughter that it needed to be a secret because if anyone  
22 found out, he would get in trouble. The defendant knew it  
23 was wrong, and he did not care. He admitted on video how he  
24 took Sana's hand and told her that she wanted to feel his  
25 penis. How he would take her hand and put it on his -- how

## Opening-People

1 he would take her hand, put it on his penis and had her jerk  
2 him off; and finally, members of the jury, also on video the  
3 defendant discussed how he spoke to his daughter and asked  
4 her, Can I be the one? Can I be one to have sexual  
5 intercourse with you? You will hear those words spoken by  
6 him two years ago before he ever knew the allegations before  
7 him.

8 You are going to hear how the defendant wanted to  
9 take the virginity of the girl he raised. He admitted on  
10 video how he slapped her after the fair. Those were his  
11 words, and you will get to see it during this trial on  
12 video. Again, when you review video, I submit it's for the  
13 same purpose, not because what the defendant admits on that  
14 day is completely honest and forthright. I submit it so you  
15 can see how he tries to make it seem that Sana was the one  
16 who thought it was okay. He makes it seem that she wanted  
17 to do this.

18 You will learn through the testimony of witnesses,  
19 through that video, at the end of this trial you will see  
20 how that betrayal of trust, that which a father has over his  
21 daughter, can be far more dangerous than any weapon or any  
22 threat, how the betrayal of trust casts doubt on a child's  
23 beliefs, their thoughts, their emotions and their ideas; and  
24 at the conclusion of this trial I'm going to come before you  
25 once again during my summation, after you have heard all of

## Opening-Defendant

1 the testimony and you have seen all of the evidence, the  
2 knife, written statements, the video statement, the  
3 testimony of Sana Awan, I'm going to ask you reach the only  
4 verdict that's consistent with the evidence you have seen,  
5 the only verdict free from sympathy or prejudice; that the  
6 defendant is guilty of each and every count that he is  
7 charged with.

8 Thank you very much. Thank you, your Honor.

9 THE COURT: Thank you, Mr. Rosenblatt.

10 Mr. Bandelli, do you wish to make an opening  
11 statement on behalf of the defendant?

12 MR. BANDELLI: I do, Judge.

13 THE COURT: You may proceed.

## 14 OPENING STATEMENT

15 BY MR. BANDELLI:

16 MR. BANDELLI: Your Honor, ADA Rosenblatt,  
17 Mr. Foreperson, ladies and gentlemen of the jury. This is  
18 my opening statement. Harold Gopaul never, never sexually  
19 abused his stepdaughter, Sana Awan. In fact, he loved her  
20 as if she was his own child, as if she was his own flesh and  
21 blood. He provided her with a home. He provided her with a  
22 family with the biological mother Janet Merlin. They had a  
23 boy and a girl, Sana's little brother and little sister.

24 He emphasized certain things to Sana. He  
25 emphasized schoolwork and good grades. He emphasized their

## Opening-Defendant

1 heritage as West Indians. He emphasized being a good  
2 person, being respectful, respecting authority.

3 He discouraged certain things. He discouraged her  
4 from dating boys, dating older boys, from behaving like  
5 Brittany Spears, from behaving like the girls you see on  
6 MTV. He discouraged her from smoking. He wanted her to  
7 focus on her schoolwork. He wanted her to have a good life.  
8 He was proud of her. Everything he did was consistent with  
9 the pride that he had in her.

10 He had rules. He was a strict disciplinarian. He  
11 was also a friend, friend to this girl. He was a typical  
12 dad. Rules, love, discipline, wanting the best for his  
13 daughter.

14 At some point the relationship changed. As she  
15 became a teenager, in her teenage years, she become defiant.  
16 She became provocative. She didn't want to follow the rules  
17 anymore. She didn't want to be controlled by her parents.  
18 She wanted to date boys, one older boy in particular. She  
19 wanted to hang out. She wanted to socialize. She didn't  
20 want to be restricted by her cultural environment. She  
21 didn't want to be confined. She wanted her independence,  
22 and so tension began to develop, tension between the  
23 parents, between my client and his wife and their daughter.  
24 I don't want you to see this boy, but I want to see this  
25 boy. I don't want you to go out with those girls, but I

## Opening-Defendant

1 want to go out with those girls.

2 Tension, a tug of war, and eventually it erupted.  
3 It erupted after a fair at which my client publicly  
4 humiliated his daughter and some of her friends. The ADA  
5 told you about that. The fair at St. Gregory. Sana's  
6 mother had suffered a very serious oral infection, very  
7 serious. As a matter of fact, she was hospitalized for a  
8 week because of it, a week. Okay. She could have died, and  
9 they were at this fair, and the father was feeling the  
10 pressure from the mother to leave the fair.

11 Anybody who is in a relationship knows sometimes  
12 you experience other people's anxiety. You experience their  
13 concerns. You experience their tension. Mom said she  
14 doesn't feel good. She wants to go home. Sana doesn't want  
15 to go home. Her friend's there. She is having fun. I  
16 don't want to listen to you guys anymore. I'm done with  
17 this. I'm done with this.

18 They go home, and it gets worse. An argument. A  
19 huge argument. The whole family is present for the  
20 argument. My client, Harold, physically disciplines his  
21 daughter. Is that a crime? I don't know. I don't know.  
22 How do you feel about parental punishment? What do you do  
23 when a teenager is yelling and cursing at you unwilling to  
24 listen to you? He hit her. He hit her in the arm and leg.  
25 There were welts, red welts. Is that okay? I don't know.

## Opening-Defendant

1 Is that a crime? I'm not sure, but I know that parents have  
2 different rules about how they discipline their children,  
3 and I can't speak for somebody else in that regard, but it  
4 was a very, very upsetting experience for everybody. For my  
5 client, for the mother, for Sana, for the two little kids.  
6 They were all traumatized by this, and at that point Sana  
7 decided, I'm out of here. I'm out of here. I'm done. This  
8 family is not going to control me. It's not going to be  
9 like this. I don't want it, and within three days -- within  
10 three days of that happening, for the first time when she is  
11 talking to her friend Christine on the phone she says. Oh,  
12 I've been sexually abused. First time. On the heels of  
13 everything that's going on. On the heels of mom and dad  
14 don't want you to date this boy. Mom and dad don't want you  
15 to hang out with these children. Mom and dad want you to  
16 follow the rules. Go to school. We want you to behave.  
17 On the heels of that, on the heels of this, all of a sudden,  
18 Boom. I've been sexually abused.

19 Three years. Three years of opportunity to tell  
20 people. She goes to school. She has friends. You know, at  
21 the school the teachers are actually trained to recognize  
22 when a person is abused in some way, right? There is  
23 behavior patterns that they demonstrate. A teacher is  
24 paying attention. A guidance counselor is paying attention.  
25 Nobody ever said, Sana is being abused. Nobody. Within

## Opening-Defendant

1 three days of reporting that, she was out of the house, and  
2 she moved in with her friend Christine and her mother. She  
3 got what she wanted. She was out. She was free. She was  
4 able to date her boyfriend. She was able to hang out with  
5 the friends she wanted to. She had what she wanted. She  
6 had her independence.

7 That's what this is about by the way. That's what  
8 this whole thing is about.

9 Now, the DA, he is going to make a big point out  
10 of these statements, statements that he made to Detective  
11 Shulman, statements that he made to ADA Rosenblatt,  
12 statements that he made to ADA Hughes.

13 Let me tell you something. They are all  
14 worthless. All right? My client showed up at 3 o'clock in  
15 the morning at the 105 Precinct looking for his daughter to  
16 file a missing person's report. Had he been sexually  
17 abusing her for the past three years, is that where he would  
18 go? You would run from the precinct, not go to the  
19 precinct.

20 MR. ROSENBLATT: Objection. Argumentative.

21 THE COURT: Mr. Bandelli, this is an opening  
22 statement.

23 MR. BANDELLI: Well, I'm opening, Judge.

24 THE COURT: An opening statement, as you know, is  
25 what you think the evidence will show. You will get your

## Opening-Defendant

1 chance to argue in summation.

2 MR. BANDELLI: This is what I think the evidence  
3 will show, that my client showed up at the precinct that  
4 night and was beaten by police officers, was put in a room  
5 they call the box for 15 hours until he and his partner  
6 showed up to take a statement from him. Fifteen hours in a  
7 box, not allowed to call his wife, not allowed to call his  
8 family. Actually, the detective purposely isolated him from  
9 everybody. The mother came to the precinct. She knew he  
10 went to report the daughter missing. She shows up at the  
11 precinct 8 o'clock in the morning. Has anybody seen my  
12 husband? He came here. I don't know where my daughter is.  
13 What's going on? What's going on?

14 We can't help you. Hold on. I don't know where  
15 your husband is. He is up in the box. He is up in the box  
16 being coerced, being told what to say, being told, Hey, if  
17 you say this and say that, you can walk out of here. You  
18 can leave here. This is over. Just say this and say that  
19 and sign this, sign that; you can go. It's over. You are  
20 out of here.

21 These were not voluntary statements. These were  
22 not truthful statements. These were statements made by a  
23 man who was desperate, afraid, in fear for his safety and  
24 wanted to go home. He came there to find his daughter, and  
25 instead he was treated like an animal.



Shulman-People-Direct

1 Harold Gopaul never, never sexually abused Sana  
2 Awan. He is not guilty of these crimes. This was a lie to  
3 get what she wanted. To get out. To get free. It's too  
4 late now to go back. You, ladies and gentlemen, have the  
5 power to fix this, to correct this, to write this horrible  
6 wrong, and I'm confident that at the end you will do that.

7 Thank you.

8 THE COURT: Mr. DA, you may call your first  
9 witness.

10 MR. ROSENBLATT: Your Honor, the People call  
11 Detective Lennard Shulman.

12 COURT OFFICER: The People call Detective Lennard  
13 Shulman, S-h-u-l-m-a-n, shield 6387, 105 Squad, NYPD.

14 MR. ROSENBLATT: May I inquire, your Honor?

15 THE COURT: You may proceed.

16 MR. ROSENBLATT: Thank you.

17 L E N N A R D S H U L M A N , Detective, having stated  
18 his shield number as 6387 and his command as the 105  
19 Squad, New York City Police Department, having been duly  
20 sworn, took the witness stand and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. ROSENBLATT:

23 Q Good afternoon, Detective.

24 A Good afternoon.

25 Q Tell the members of the jury, how long have you been

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1 employed by the New York City Police Department?

2 A Next month will be 17 years.

3 Q When were you promoted to the rank of detective?

4 A June 4 of 1999.

5 Q How long have you been assigned as a detective to the  
6 105 Precinct?

7 A Since April of 2002, so a little over eight years.

8 Q Prior to your assignment as a detective at the 105  
9 Detective Squad, where were you assigned?

10 A I spent almost five years in the citywide Anti-Crime  
11 Unit.

12 Q Can you tell us what are the duties and  
13 responsibilities of a detective in the 105 Precinct?

14 A We assist patrol officers in enhancing cases and crimes  
15 that have been committed, and we also do follow-up  
16 investigations on crimes and incidents that are reported to the  
17 Police Department.

18 Q Can you describe to the members of the jury the  
19 difference between a patrol officer and a detective?

20 A Primarily a patrol officer would be uniformed and would  
21 be a first responder upon someone having contact with the Police  
22 Department. A detective investigator in the Detective Squad  
23 would be a second responder to an incident and be responsible  
24 for follow-up investigations to determine the facts and  
25 circumstances of incidents and crimes.

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1 Q And can you tell us where the 105 patrol officers are  
2 located in relation to the Detective Squad inside of the 105  
3 stationhouse?

4 A The patrol officers are primarily on the first floor of  
5 the building, and the Detective Squad is on the second floor of  
6 the building in the 105 Precinct.

7 Q When you say the first floor, you are talking about the  
8 ground level?

9 A That's correct.

10 Q I want to turn your attention to June 24 of 2008. Were  
11 you working on that date?

12 A Yes, I was.

13 Q And when you work, do you wear a suit and tie as you  
14 are wearing today, or do you wear a uniform?

15 A I wear business attire generally, a suit and tie.

16 Q And at approximately 2:30 in the morning on June 24,  
17 2008, were you at work?

18 A Yes, I was.

19 Q Where were you at work?

20 A I was inside the 105 Detective Squad.

21 Q Did there come a point in time at 2:30 in the morning  
22 on that date when you were assigned to assist in the  
23 investigation of a sexual abuse involving a complainant victim  
24 by the name of Sana Awan?

25 MR. BANDELLI: Objection, your Honor. Leading.

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1 THE COURT: Overruled.

2 A Yes, I did.

3 Q Without telling us what was said to you, tell the  
4 members of the jury what happened at approximately 2:30 in the  
5 morning.

6 A I received a phone call in the 105 Detective Squad from  
7 a detective from Detective Borough Queens, Detective Matthews,  
8 informing me that he had received notification from the  
9 Detective Borough Special Victim's Unit that there was a victim  
10 in the 105 Precinct and that there was some kind of sexual abuse  
11 allegation being made regarding an incident --

12 MR. BANDELLI: Objection. This is all hearsay.

13 MR. ROSENBLATT: I'm not offering it for the  
14 truth, your Honor.

15 THE COURT: Sustained.

16 MR. ROSENBLATT: Judge --

17 THE COURT: Sustained.

18 Q You mentioned that you received a call from Detective  
19 Borough Queens.

20 A Yes.

21 Q What is Detective Borough Queens?

22 A Detective Borough Queens is the parent supervisory  
23 office for the Queens detectives.

24 Q Okay.

25 So, Detective Borough Queens supervises a detective

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1 squad at each local precinct?

2 A That's correct.

3 Q And after you received that call, without telling us  
4 what was said, did you assist an officer with your  
5 investigation?

6 A I did.

7 Q Who was that officer?

8 A Officer Alfaro.

9 Q And is Officer Alfaro a member of the 105? Is she a  
10 member of the 105 Precinct patrol?

11 A Yes, she is.

12 Q Can you tell the members of the jury at 2:30 in the  
13 morning when you began to assist Officer Alfaro, what did you  
14 do?

15 A I contacted Sergeant O'Hagan who at that time was the  
16 desk officer inside the precinct that night. I inquired to him  
17 in regards to the call I had gotten from the Detective Borough.  
18 He did indicate to me that there was a victim in the precinct --

19 MR. BANDELLI: Objection as to what was said by  
20 Sergeant O'Hagan.

21 THE COURT: Sustained.

22 Q Don't tell us what was said. Tell us what you did  
23 after speaking to Sergeant O'Hagan. What did you say to him?

24 A I requested that an ACS worker, a case worker from  
25 Administration For Children's Services, and the victim in the

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1 case be brought to my office to be interviewed.

2 Q And did that happen?

3 A Yes, it did.

4 Q How long after --

5 MR. ROSENBLATT: Withdrawn.

6 Q Approximately how long after you had that conversation  
7 with Sergeant O'Hagan did you speak to the ACS worker --

8 A It was --

9 Q -- approximately?

10 A It was about 2:45 in the morning when I spoke to the  
11 ACS worker.

12 Q And did you speak to the ACS worker in the presence of  
13 anybody else or did you do that alone?

14 A Privately. Alone.

15 Q After you spoke to the ACS worker, what happened next?

16 A About 3 -- I believe it was about 3:20 in the morning,  
17 I had an opportunity to meet and interview Sana Awan who was the  
18 victim in the case.

19 Q When you met with Sana Awan, where did you meet with  
20 her?

21 A She was in an interview room in the Detective Squad.

22 Q Was anyone else present in that room other than Sana  
23 and yourself?

24 A No, there was not.

25 Q Was she at the precinct alone or with other

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1 individuals?

2 A She was with one of her friends and her friend's mom.

3 Q Do you remember their names?

4 A I don't know the friend's name offhand. I know the  
5 friend's mom's first name was Denise.

6 Q Do you remember if the last name was Alioto?

7 A If I can just -- I'm going to refer to my case folder,  
8 please.

9 MR. ROSENBLATT: With your Honor's permission.

10 THE COURT: Yes. You may look at it to refresh  
11 your recollection. Don't read from it. Just tell us what  
12 you are specifically looking at.

13 THE WITNESS: Yes, your Honor.

14 A (Referring) I'm referring to a yellow sticky note that  
15 I have attached to my case folder, and Alioto was the last name  
16 of the friend's mom.

17 Q Okay.

18 And you told us that at around 3:20 you spoke to Sana  
19 Awan.

20 A That's when I had interaction with her, yes.

21 Q Without telling us what she told you, tell the members  
22 of the jury what happened as you were speaking to Sana.

23 A Upon initially introducing myself and speaking to her,  
24 I was able to observe that on her left and her right arms that  
25 she had red welt marks on both arms. She seemed to be

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1 visibly -- in my opinion she seemed to be somewhat distraught  
2 and upset, and her being upset continued as we talked and she  
3 related information to me.

4 Q While you spoke to her and you mentioned she was  
5 upset --

6 A Yes, she was.

7 Q -- did you take a break from speaking to her that hour  
8 sometime between 3:00 and 4:45 in the morning?

9 A I mean we talked and we stopped and we talked and we  
10 stopped as she was able to talk to me.

11 Q Okay.

12 At approximately 4:45 in the morning, on June 24, 2008,  
13 did you receive a notification from the patrol desk sergeant  
14 again?

15 A Yes, I did.

16 Q Without telling us what the sergeant said to you, what  
17 did you say to the sergeant?

18 A Based on what my conversation with the sergeant was, I  
19 indicated to him that I would want to speak to the gentleman  
20 Harold Gopaul who was in custody in the stationhouse.

21 Q Okay, and what did you say to him in regards to  
22 Mr. Gopaul?

23 A I requested that Harold Gopaul be brought up and placed  
24 in the first interview room in the Detective Squad so that I  
25 could speak to him.



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1 Q The individual you are referring to as Harold Gopaul,  
2 do you see him in the courtroom today?

3 A Yes, I do.

4 Q Can you point to him and identify an article of  
5 clothing he is wearing?

6 A He is the gentleman sitting on the left side of the  
7 table wearing a white striped dress shirt and a dark colored  
8 tie.

9 THE COURT: The record will indicate the witness  
10 has identified the defendant.

11 MR. BANDELLI: Indicating the defendant.

12 Q You said you had asked for him to be brought up into a  
13 separate interview room.

14 A Yes.

15 Q Was Sana still in the other interview room?

16 A Yes.

17 Q Did you remain with Sana as the defendant was brought  
18 upstairs from the patrol office to the Detective Squad?

19 A I believe so.

20 Q At any point in time did the defendant, that you  
21 observed, have any interaction with Sana?

22 A No.

23 Q Now, after the defendant was brought upstairs at  
24 approximately 4:45 in the morning, did you eventually have an  
25 opportunity to speak to him?

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1 A Yes, I did.

2 Q At approximately what time did you speak to the  
3 defendant in the Detective Squad upstairs?

4 A My initial conversation with him was at about 5:10 in  
5 the morning.

6 Q Okay.

7 Tell the members of the jury what happened at 5:10 in  
8 the morning when you entered the room to speak to Mr. Gopaul.

9 A At about 5:10 in the morning I walked into the  
10 interview room that Mr. Gopaul was in in my office. He was  
11 seated in a chair sitting at a table in the interview room. He  
12 was wearing a blue uniform-type clothing. I believe that it had  
13 an Ecolab patch on one of the shoulders. He was awake. He was  
14 coherent. He appeared alert.

15 I introduced myself to him. I indicated to him that I  
16 was going to read him what is called Miranda warnings. I  
17 explained to him that I needed him to answer clearly yes or no  
18 that he understood what I was reading to him, and then I wrote  
19 down the time on the top of the Miranda warnings, and I noted it  
20 was 5:10, and then I individually began reading the Miranda  
21 warnings to him.

22 Q I want to back up just a moment to the point in time  
23 where you entered the interview room where Mr. Gopaul was  
24 located. When you entered the room, was he handcuffed?

25 A No, he was not.

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1 Q Did he remain unhandcuffed inside that room when you  
2 spoke to him?

3 A Yes, he did.

4 Q Did he appear awake to you when you first entered?

5 A Yes.

6 Q How would you describe his appearance? Was there  
7 anything remarkable about how he appeared?

8 A No.

9 Q When you entered the room --

10 MR. ROSENBLATT: Well, withdrawn.

11 Q Do you carry a firearm?

12 A I do.

13 Q When you entered the room, did you have your firearm  
14 with you?

15 A I did not.

16 Q Where was it?

17 A It was locked in my desk.

18 Q Why is that?

19 A Mr. Gopaul was under arrest, and it's common practice  
20 when you interview somebody under arrest not to have your weapon  
21 with you.

22 Q And while you spoke to Mr. Gopaul on June 24, did you  
23 ever bring your firearm into that room with you?

24 A No, I did not.

25 Q When you told the members of the jury that you recited

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1 Miranda warnings to the defendant, did you do that from memory  
2 or off of a preprinted form?

3 A I had a preprinted form that's maintained in my office.

4 MR. ROSENBLATT: Your Honor, may I approach the  
5 witness and ask this be marked People's Exhibit 1 for  
6 identification?

7 THE COURT: Hand that to the officer. It will be  
8 marked People's 1 for identification only.

9 (Miranda form was marked as People's Exhibit 1 for  
10 identification.)

11 Q Detective, take a look at what is in front of you  
12 marked as People's Exhibit 1 for identification purposes. Do  
13 you recognize that?

14 A Yes, I do.

15 Q What is it?

16 A It's the original Miranda warning that was used to read  
17 to Mr. Gopaul his Miranda warnings.

18 Q When you say that it's the original, how do you  
19 recognize that to be the original?

20 A Some of the handwriting is my own handwriting. My  
21 signature and my shield number that I affixed on it as well as  
22 the dates and times that I affixed on it are present.

23 Q There are two holes punched on the top of that. Can  
24 you tell the members of the jury how two holes got on that?

25 A Subsequent to conducting my investigation in this

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1 matter, a case folder was created, and the paper is hole punched  
2 for the purpose of securing it with fasteners into the case  
3 folder.

4 Q And you told us that's the form that you used in June  
5 of 2008 when you read the Miranda warnings to Mr. Gopaul; is  
6 that correct?

7 A That is correct.

8 MR. ROSENBLATT: At this time I would offer what's  
9 been marked as People's Exhibit 1 for identification  
10 purposes into evidence as People's Exhibit 1.

11 THE COURT: Please show it to Mr. Bandelli.

12 MR. BANDELLI: Thank you, Judge.

13 Just a couple of brief questions.

14 THE COURT: You may proceed.

15 VOIR DIRE EXAMINATION

16 BY MR. BANDELLI:

17 Q This Miranda warning form, this is a standard form that  
18 they keep in your office?

19 A Yes.

20 Q So, there are like a thousand of these --

21 MR. ROSENBLATT: Objection, your Honor.

22 THE COURT: I didn't hear.

23 Q There is a file cabinet somewhere in the office that  
24 has a stack of these?

25 THE COURT: Do you have a stack of those?

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1 THE WITNESS: There is a bunch. I don't know how  
2 many I would say, but their routinely kept in the office.

3 Q And this is where you go to get the forms when you  
4 interview somebody, that file cabinet, and you take a form out  
5 like this?

6 A Yes.

7 MR. BANDELLI: I'm going to object, Judge.

8 THE COURT: What's the basis of the objection?

9 MR. BANDELLI: Well, I'm objecting to the  
10 introduction of any statements. I'm alleging they were  
11 taken involuntarily.

12 THE COURT: What's your objection to People's 1  
13 for identification?

14 MR. BANDELLI: Well, it is what it appears to be,  
15 but on the grounds I'm objecting to the introduction of any  
16 of the statements --

17 THE COURT: This is not a statement.

18 MR. BANDELLI: Well --

19 THE COURT: It's a Miranda form.

20 MR. BANDELLI: But he said my client initialled  
21 those things.

22 THE COURT: Your objection is overruled. People's  
23 1 is received in evidence.

24 (People's Exhibit 1, previously marked for  
25 identification, was marked and received in evidence.)

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1 COURT OFFICER: People's 1 marked and received.

2 CONTINUED DIRECT EXAMINATION

3 BY MR. ROSENBLATT:

4 MR. ROSENBLATT: May I proceed, your Honor?

5 THE COURT: You may proceed.

6 Q Detective, you can just hold that up for the members of  
7 the jury and just explain to them how you read these warnings to  
8 the defendant and what you did as you read them to him.

9 A Initially the page was blank. After introducing myself  
10 to him, to Mr. Gopaul, and explaining that I was going to read  
11 the Miranda warnings, I wrote 0510 in the top right corner  
12 indicating what time it was. I then read question number one to  
13 him.

14 Q Go ahead.

15 A I read, "You have the right to remain silent and refuse  
16 to answer questions. Do you understand?"

17 Mr. Gopaul orally said to me, "Yes," that he  
18 understood.

19 I then read question number two. "Anything you do say  
20 may be used against you in a court of law. Do you understand?"

21 Mr. Gopaul said, "Yes," that he understood.

22 I then read question number three. "You have the right  
23 to consult an attorney before speaking to the police and to have  
24 an attorney present during any questioning now or in the future.  
25 Do you understand?" Mr. Gopaul indicated, "Yes," orally that he

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1 understood.

2 I then read question four. "If you cannot afford an  
3 attorney, one will be provided for you without cost. Do you  
4 understand?" Mr. Gopaul orally stated, "Yes," that he  
5 understood.

6 I then read question number five. "If you do not have  
7 an attorney available, you have the right to remain silent until  
8 you have an opportunity to consult with one. Do you  
9 understand?" Mr. Gopaul orally stated, "Yes," that he  
10 understood.

11 I then read question number six. "Now that I have  
12 advised you of your rights, are you willing to answer  
13 questions?" Mr. Gopaul orally stated, "Yes."

14 Now, as I read each one of these questions and  
15 Mr. Gopaul was orally giving me the "yes" answer, I was writing  
16 that answer down next to each question.

17 Q In your own handwriting?

18 A In my handwriting.

19 Upon completion of the six questions and my writing of  
20 the six answers, I then gave the piece of paper to Mr. Gopaul.  
21 I said, Please read this to yourself that you understand the  
22 questions that I asked you and that you are answering. He  
23 looked it over, read the questions to himself and affirmed to me  
24 that "yes" was his answer to each of these questions and that he  
25 was willing to speak to me.



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1 Q When he told you that he was willing to speak to you,  
2 did he make any notations on that document?

3 A I then asked him to initial each one of the answers as  
4 being the response that he had given to me, and I asked him to  
5 print and sign his name on the bottom portion that he was  
6 acknowledging his rights.

7 Q Did you observe him initial each question?

8 A Yes.

9 Q Did you observe him sign and print his name on the  
10 bottom of that form?

11 A I did.

12 Q Is your name signed and printed on that form as well?

13 A Yes, it is.

14 Q What time did you conclude the Miranda warnings,  
15 reading to him and having him sign and you sign that document?

16 A 5:15.

17 Q Detective, prior to reading Miranda, those warnings, to  
18 him, did you make any threats to the defendant about signing  
19 that document?

20 A No, I did not.

21 Q Did you make him any promises as to what would happen  
22 if he did sign that document?

23 A No, I did not.

24 Q At any time when you read those warnings to him, did he  
25 request to speak to an attorney?

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1 A No, I did not.

2 Q At any point in time when you read those warnings to  
3 him, the defendant, did he indicate he no longer wished to speak  
4 to you?

5 A No, he did not.

6 Q Did he remain responsive to you while you read each one  
7 of these questions to him?

8 A Yes, he did.

9 Q Did he appear to understand English when you read those  
10 to him?

11 A Yes, he did.

12 Q Did he appear intoxicated or under the influence of  
13 drugs or alcohol as you read them to him?

14 A No, he did not.

15 Q When you read him those Miranda warnings, did he have  
16 any questions to you regarding the document that you read to  
17 him?

18 A No, he did not.

19 Q After you finished those Miranda warnings at 5:15 in  
20 the morning, what's the next thing that you did in regards to  
21 the course of your investigation?

22 A I then took out a consent to search a home form that  
23 again is kept in my office, and I explained to Mr. Gopaul that I  
24 was going to read that form to him, and then I read that form to  
25 him to get consent to search his home.

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1 Q Explain for the members of the jury what is a consent  
2 to search form.

3 A It's permission being given by a homeowner or legal  
4 custodian of a property to allow the police or authorization for  
5 an authorized agent of the police to conduct a search of that  
6 location.

7 MR. ROSENBLATT: Your Honor, may I show the  
8 detective this document and ask that it be marked as  
9 People's Exhibit 2 for identification?

10 THE COURT: Please mark that People's 2 for  
11 identification only.

12 (Consent to search home was marked as People's  
13 Exhibit 2 for identification.)

14 COURT OFFICER: People's 2 marked for ID only.

15 Q Detective, take a look at the item that's in front of  
16 you that's been premarked as or been marked now as People's  
17 Exhibit 2 for identification purposes. Do you recognize that  
18 document?

19 A Yes, I do.

20 Q Tell the members of the jury what is that document.

21 A It's the original consent to search form that I  
22 prepared in the confines of the 105 Detective Squad on June 24  
23 of 2008 that was read to Mr. Gopaul.

24 Q Is your handwriting on that document?

25 A Yes, it is.

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1 Q Is Mr. Gopaul's signature on that document as well?

2 A Yes, it is.

3 Q The two holes on the top of that document, was that  
4 again filed away in your case folder?

5 A That is correct.

6 MR. ROSENBLATT: Your Honor, I would offer what's  
7 been marked as People's Exhibit 2 for identification into  
8 evidence at this time.

9 THE COURT: Please show it to Mr. Bandelli.

10 MR. BANDELLI: Thank you, Judge.

11 (Pause in proceedings.)

12 MR. BANDELLI: Just a brief question.

13 THE COURT: You may proceed.

14 MR. BANDELLI: Thank you, your Honor.

15 VOIR DIRE EXAMINATION

16 BY MR. BANDELLI:

17 Q This is just another standard form that you have a  
18 stack of in the file somewhere in your office that you took out  
19 and you used?

20 A That's correct.

21 MR. BANDELLI: All right. Same objection as  
22 before, Judge.

23 THE COURT: Objection overruled. People's 2 is  
24 received in evidence.

25 (People's Exhibit 2, previously marked for

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1 identification, was marked and received in evidence.)

2 COURT OFFICER: People's 2 marked and received.

3 CONTINUED DIRECT EXAMINATION

4 BY MR. ROSENBLATT:

5 Q Detective, can you explain to members of the jury what  
6 happened when you brought that form into the room to where  
7 Mr. Gopaul was in June of 2008?

8 A Again, I had the blank form that was kept in my office.  
9 As I was sitting in front of Mr. Gopaul, I indicated to him that  
10 I was going to request his consent to search his home, and that  
11 I was going to go through the rights, read this form to him, if  
12 he was going to allow me consent or not.

13 I then sat down with him, and as I started to read it,  
14 I wrote his name in. It says, "I," and there was a blank line.  
15 As I was sitting with him, I wrote, "Harold Gopaul, having been  
16 requested to consent to a search of my," again there was a blank  
17 line, and I wrote in the word, "home, located at 242" -- again,  
18 there was a blank line, and I wrote in his address, "242-10 89  
19 Avenue, Bellerose, New York 11426," and, "Having been duly  
20 advised of my Constitutional rights to," I then read, "A, refuse  
21 such consent; B, to require that a search warrant be obtained  
22 prior to any search; C, that if I do consent to a search, any  
23 evidence found as a result of such search can and will be used  
24 against me in any civil or criminal proceedings; D, that I may  
25 consult with an attorney of my choosing before or during a

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1 search and that; E, I may withdraw my consent to a search at any  
2 time prior to its conclusion."

3 I then read to Mr. Gopaul the following part, "After  
4 having been advised of my Constitutional rights, I hereby  
5 knowingly, intelligently and voluntarily waive my above rights  
6 and consent to search."

7 I then asked him, Would you consent to me to search?  
8 He indicated, "Yes." I gave him an opportunity to read over the  
9 form. He read through each one of the items and again indicated  
10 that he would consent to search. I wrote it on a blank line  
11 that he was authorizing myself or an authorized representative  
12 of the NYPD to conduct the search.

13 Then Mr. Gopaul signed it. He placed the time and the  
14 date, and then I signed it and placed my shield next to my  
15 signature as witness.

16 Q Okay.

17 At what time did you conclude filling out that form  
18 with the defendant?

19 A About 5:20 a.m.

20 Q After you completed the consent to search his home  
21 which he signed and gave you permission to do, what was the next  
22 step in your investigation with regard to Mr. Gopaul?

23 A I took out a consent to search a vehicle form in  
24 regards to Mr. Gopaul's work vehicle.

25 Q Okay.

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1           What was the work vehicle?

2           A     I think it was an '06 truck of some sort.

3                   MR. ROSENBLATT: Your Honor, may I approach the  
4           witness and ask this be marked People's Exhibit 3 for  
5           identification purposes?

6                   THE COURT: Please mark that People's 3 for  
7           identification only.

8                   (Consent to search vehicle form was marked as  
9           People's Exhibit 3 for identification.)

10                  COURT OFFICER: People's 3 marked for ID only.

11           Q     Detective, do you recognize the item that's been marked  
12   as People's Exhibit 3?

13           A     Yes, I do.

14           Q     What is it?

15           A     It's a consent form to search a vehicle which was  
16   prepared by me in June 2008 with Mr. Gopaul.

17           Q     Is that the exact form that you used the original on  
18   June 24 of 2008 when you sought consent to search the  
19   defendant's work vehicle?

20           A     Yes, it is.

21           Q     Again, the same two holes from your file?

22           A     That is correct.

23                   MR. ROSENBLATT: At this time I would offer  
24   People's 3 into evidence.

25                  THE COURT: Please show that to Mr. Bandelli.

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1 MR. BANDELLI: Thank you, Judge.

2 (Pause in proceedings.)

3 MR. BANDELLI: Brief question.

4 THE COURT: You may proceed.

5 VOIR DIRE EXAMINATION

6 BY MR. BANDELLI:

7 Q This is one of the standard forms you keep in the file  
8 cabinet of your office?

9 A That's correct.

10 Q You use these in all of your cases where you are going  
11 to get consent, right?

12 A If it was a consent for a vehicle, then yes.

13 Q Yes, right?

14 So, if you are going to get consent for a vehicle, you  
15 go to the file cabinet and take out the consent for a vehicle  
16 form, right?

17 A Yes.

18 MR. BANDELLI: Okay.

19 Q It's not a tough question.

20 MR. ROSENBLATT: Objection.

21 THE COURT: Mr. Bandelli.

22 MR. BANDELLI: Okay.

23 It's an easy one.

24 THE COURT: Don't make comments like that in front  
25 of the jury, please.



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1 Q This is mostly your handwriting on this form?

2 A Could I see it?

3 Q Sure.

4 A The date, time. Mr. Gopaul's handwritten and signed  
5 name are in his handwriting, and the additional stuff is in my  
6 handwriting.

7 Q So, with the exception of on very bottom where he wrote  
8 his name and signed, all of that other stuff, is that your  
9 handwriting?

10 A The stuff on the top portion is in my handwriting.

11 MR. BANDELLI: The same objection, Judge.

12 THE COURT: Objection overruled. People's 3  
13 received in evidence.

14 (People's Exhibit 3, previously marked for  
15 identification, was marked and received in evidence.)

16 COURT OFFICER: People's 3 marked and received in  
17 evidence.

18 CONTINUED DIRECT EXAMINATION

19 BY MR. ROSENBLATT:

20 Q Detective, when you used both the consent to search the  
21 home form and the consent to search the car form in your  
22 questioning of the defendant, did you make him any promises  
23 during that time?

24 A No, I did not.

25 Q Did you make any threats?

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1 A No, I did not.

2 Q At any point in time when you went through both of  
3 those forms with him, did he ask to speak to an attorney?

4 A No, he did not.

5 Q At any point in time did he tell you he no longer  
6 wished to speak to you?

7 A No, he did not.

8 Q By the way, that Miranda form that you used earlier,  
9 did you use one of those when you questioned Sana Awan?

10 A I did not.

11 Q You didn't ask her -- you didn't read her the Miranda  
12 warnings, correct?

13 A I did not.

14 MR. BANDELLI: Objection. What's the relevance?

15 THE COURT: Sustained.

16 Q The consent forms that Mr. Bandelli asked if you used  
17 in every case, did you use that when questioning Sana Awan?

18 A I did not.

19 MR. BANDELLI: Well, did you go into Sana Awan's  
20 vehicle? What's the point of that? Objection, your Honor.

21 MR. ROSENBLATT: Objection, your Honor.

22 THE COURT: Mr. Bandelli, you have an objection,  
23 you stand up and object.

24 MR. BANDELLI: Objection.

25 THE COURT: Don't make any speeches. Don't

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1 attempt to question the witness. Okay? You will get your  
2 chance. You know better than that. Please.

3 MR. BANDELLI: Yes, sir.

4 THE COURT: Counsel, objection is sustained.

5 Approach the bench.

6 (Side-bar discussion held off the record.)

7 THE COURT: You may proceed.

8 MR. ROSENBLATT: Thank you, your Honor.

9 Q Detective, after you completed --

10 MR. ROSENBLATT: -- withdrawn.

11 Q After you obtained both of those consent forms, what  
12 did you do?

13 A I explained to Mr. Gopaul that I would be back briefly  
14 to speak to him, and I stepped out of the room for a little  
15 while.

16 Q Did there come a point in time you went back into the  
17 room?

18 A Yes, I did.

19 Q Around what time was that?

20 A About 6:20 in the morning.

21 Q And when you entered the room --

22 MR. ROSENBLATT: -- withdrawn.

23 Q When you entered the room at 6:20, how did the  
24 defendant appear?

25 A He was sitting in a chair at the table. He was awake,

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1 appeared alert, and looked up at me.

2 Q Okay.

3 What did you say to him when you entered the room?

4 A I walked in. I sat down. I asked him if he knew why  
5 he was in custody and under arrest, and he indicated to me that  
6 there was an incident with his daughter on the Saturday, that he  
7 had slapped her in discipline, and I asked him if he would want  
8 to make a written statement about it, and he indicated that he  
9 would.

10 Q When he indicated that he would, what did you do?

11 A I gave him a pad and a pen. I asked him if he could  
12 put his name and his address and stuff on the top and to write  
13 what he wanted to write on the paper about what had happened.

14 Q Did he do that?

15 A Yes, he did.

16 Q Were you present when he made that statement?

17 A Yes, I was.

18 MR. ROSENBLATT: Your Honor, may I approach and  
19 ask this be marked People's Exhibit 4-A and B?

20 THE COURT: Please mark these two pieces of paper  
21 People's 4-A and 4-B for identification only.

22 (Two-page statement was marked as People's  
23 Exhibits 4-A and 4-B for identification.)

24 COURT OFFICER: People's 4-A and B marked for ID  
25 only.

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1 Q Detective, do you recognize those two items?

2 A I do.

3 Q Tell the members of the jury what are 4-A and 4-B  
4 marked for identification.

5 A It's a written statement written on June 24 of 2008 by  
6 Mr. Gopaul.

7 Q And whose handwriting are those two pages in?

8 A Mr. Gopaul's handwriting.

9 Q While he was writing those two pages, did you observe  
10 him the entire time?

11 A I did.

12 Q Are those the originals of his statements that he made  
13 back from June of 2008?

14 A Yes, it is.

15 MR. ROSENBLATT: Your Honor, I would offer 4-A and  
16 B into evidence at this time.

17 THE COURT: Please show them to Mr. Bandelli.

18 (Pause in proceedings.)

19 THE COURT: Do you wish a voir dire, Mr. Bandelli?

20 MR. BANDELLI: Briefly.

21 VOIR DIRE EXAMINATION

22 BY MR. BANDELLI:

23 Q Where was this kept?

24 A When?

25 Q Where did you get this from?

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1 THE COURT: Mr. Bandelli -- sustained.

2 Mr. Bandelli, you want to ask him where it's been since June  
3 of 2008, ask him.

4 MR. BANDELLI: Sure.

5 Q Where has it been since June of 2008?

6 MR. ROSENBLATT: Judge, can we approach?

7 THE COURT: Approach the bench.

8 MR. BANDELLI: Withdrawn. Withdrawn. Withdrawn.  
9 I have the same objection.

10 THE COURT: Approach the bench. Approach the  
11 bench.

12 (The following proceedings took place at  
13 side-bar:)

14 THE COURT: Let me see this. Off the record.  
15 (Discussion held off the record.)

16 THE COURT: What's your objection?

17 MR. BANDELLI: Well, there is a chain of custody  
18 issue.

19 THE COURT: There is no chain of custody on a  
20 written statement.

21 MR. BANDELLI: It sounds like the DA --

22 THE COURT: It's not fungible evidence such as  
23 bags of cocaine.

24 MR. BANDELLI: I object to the introduction of any  
25 of this evidence because my position was it was taken

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1 involuntarily.

2 THE COURT: All right. Based on that objection,  
3 objection is overruled.

4 MR. BANDELLI: Is everything else going to be  
5 from --

6 MR. ROSENBLATT: I'm sorry. I was just saying  
7 it's a slippery slope if he asks him where the document came  
8 from.

9 THE COURT: Slippery slope. This guy is going to  
10 say it was in a Nassau County Court?

11 MR. ROSENBLATT: He could say I left it -- I  
12 didn't prep him to say where he got it from. His answer is  
13 going to be the truth. I left it in Nassau County Supreme  
14 Court when I was on trial with him the last time.

15 THE COURT: Off the record.

16 (Discussion held off the record.)

17 (In open court.)

18 THE COURT: Objection is overruled. People's 4-A  
19 and B are received in evidence.

20 (People's Exhibit 4-A and 4-B, previously marked  
21 for identification, were marked and received in evidence.)

22 COURT OFFICER: People's 4-A and B marked and  
23 received in evidence.

24 CONTINUED DIRECT EXAMINATION

25 BY MR. ROSENBLATT:

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1 Q Detective, if you could read that statement, that  
2 two-page statement, to the members of the jury.

3 A "One of two" is written on the top of the first page.

4 "Harold Gopaul, 242-10 89 Avenue, Bellerose, New York  
5 11426. Phone number (718) 470-0899. Cell (917) 392-8334." On  
6 right side of the top, "6/24 of '08, 6:25 a.m.," and then it  
7 reads, "Saturday 6/21/08 my family had gone to St. Gregory fair  
8 to have some fun. My eldest daughter was in line for a ride  
9 called Zipper. After about 20 or 25 minutes my daughter and  
10 friend's turn came. There was a single lad in front of the  
11 line. The operator told the lad two people need to go on for  
12 one basket. So, her friend decided to go with the lad so my  
13 daughter will have to wait for other ride and only if she got a  
14 partner.

15 "Previous to going to the fair, my wife very bad pain  
16 on a root canal she did few years ago and was ready to leave the  
17 fair. She was also having problem to speak, so I called my  
18 daughter out the line because I thought it was not fair to wait  
19 another 20 or 25 minutes for a ride knowing her mother was in  
20 pain.

21 "After calling my daughter out the line, she was really  
22 upset. When we went home, my daughter started to argue and I  
23 thought it was wrong, and I put a few slaps on her as a little  
24 discipline.

25 "Sunday everything was okay. We all work in the



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1 backyard putting up a fence. I left my house on Monday 6/23  
2 like 6:30 a.m. and returned about 2:30 a.m.

3 "Tuesday after work my daughter was missing and back  
4 door of the house was open. I came" -- then the signature of  
5 Harold Gopaul and he wrote, "To be continued on second page."

6 On the top of Page 2 it's written, "2 of 2." He wrote  
7 his name, "Harold Gopaul," and he wrote the date, "6/24 of '08,"  
8 and then he wrote, to the district precent or precinct. It  
9 looks like p-r-e-c-e-n-t, "and I was held and searched. Also I  
10 was read to me and asked to sign three sets of documents, also  
11 to write this report. I was read my rights and was asked what  
12 happened with my daughter," and then the signature of Harold  
13 Gopaul and then my signature and shield number and the date of  
14 June 24 of '08 at 6:45 is written.

15 Q Detective, after you observed the defendant write that  
16 statement, did you, yourself -- you said you, yourself, signed  
17 that statement?

18 A After he wrote it and said he was complete with writing  
19 it, I asked him to read it over to make sure it was what he  
20 wanted to say, I asked him if there was anything he wanted  
21 crossed out or added, and after reviewing it he indicated there  
22 was nothing he wanted to change, and he placed his signature and  
23 then I placed my signature as a witness.

24 Q After the defendant finished writing out that statement  
25 and he signed it and you signed it, what did you do?

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1           A     Mr. Gopaul asked for a bathroom break. The interview  
2 was concluded at that moment, and he was brought to use the  
3 facilities, to use the bathroom.

4           Q     Who brought him to use the bathroom? Was it you?

5           A     Honestly, I don't recall.

6           Q     Was he brought to the bathroom?

7           A     He was brought to the bathroom.

8           Q     After he used the bathroom, where was he brought?

9           A     He was brought back to the interview room.

10          Q     What happened next?

11          A     I was doing some other things, and at some point in  
12 time, I believe it was about 7:20 in the morning, I went back to  
13 speak to him again. When I went back to speak to him again, he  
14 was sitting at the table. He was awake. He was alert. He  
15 looked up and waited to hear what I had to say to him. I  
16 indicated to him that his daughter had made some allegations  
17 that there was inappropriate behavior involving him and if he  
18 wanted to address that.

19          Q     What did he say to you?

20          A     He asked me what she had said. I indicated to him that  
21 I wouldn't tell him what she had said, but he had the option of  
22 making a statement about it if he would like to. He indicated  
23 that he wanted to make a statement. He felt bad about it, about  
24 what was going on, and he wanted to talk about it, and I asked  
25 him if he would want to write a statement out as to what he

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1 wanted to tell me, and he again said, Yes, he would.

2 Q Did you provide him with another sheet of paper or pad  
3 and pen?

4 A I did.

5 MR. ROSENBLATT: I ask that the witness be shown  
6 this and have it marked as People's Exhibit 5 for  
7 identification purposes, please.

8 THE COURT: Please mark that People's 5 for  
9 identification only.

10 (Statement was marked as People's Exhibit 5 for  
11 identification.)

12 COURT OFFICER: People's 5 marked for ID only.

13 Q Detective, do you recognize that document?

14 A I do.

15 Q What is it?

16 A It's the original written statement that Mr. Gopaul  
17 prepared on June 24 of '08.

18 Q And in whose handwriting is that statement in?

19 A My signature appears on the bottom as witness, but the  
20 rest of the statement is in Mr. Gopaul's handwriting.

21 Q Other than those two holes at the top, is that document  
22 in the same condition or substantially the same condition as it  
23 was back in June of 2008?

24 A Yes, it is.

25 MR. ROSENBLATT: Your Honor, I would offer

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1 People's Exhibit 5 into evidence at this time.

2 THE COURT: Please show it to Mr. Bandelli.

3 MR. BANDELLI: Thank you, Judge.

4 (Pause in proceedings.)

5 MR. BANDELLI: I have no questions, but I do have  
6 the same objection I've had all along.

7 THE COURT: Thank you, Mr. Bandelli.

8 The objection is overruled. You have an exception  
9 for the record. People's 5 is received in evidence.

10 (People's Exhibit 5, previously marked for  
11 identification, was marked and received in evidence.)

12 COURT OFFICER: People's 5 marked and received.

13 Q Detective, what time did the defendant finish writing  
14 that statement?

15 A 8:30 a.m.

16 Q Okay.

17 Can you read that statement, the contents of that  
18 statement, to the members of the jury?

19 A Yes.

20 On the top he wrote, "Harold Gopaul, 242-10 89 Avenue,  
21 Bellerose, New York 11426." He wrote the date, "6/24/08, 7:30  
22 a.m."

23 Mr. Gopaul then wrote, "I, Harold Gopaul, is writing  
24 this of my own free will. The accusation that was made toward  
25 me and my daughter, it started about the end of 2006 where we

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1 both got into a relationship where I would touch her vagina and  
2 breast, and she would touch my penis, and we will both kiss. It  
3 happened about five or six times total, once at 400 Community  
4 Drive and in our home.

5 "I want you to know I wish it had never happened. I am  
6 a hard working husband and father. I work sometimes 80 to 95  
7 hours per week to keep my family together. I admit what  
8 happened was very, very wrong. Also admit I need help.  
9 Something happened that should never happen. I am very sorry.  
10 I will accept any help I can get. I don't want to be away from  
11 my family. My daughter, Sana Awan, is the person I am talking  
12 about."

13 Harold Gopaul's signature appears and then my  
14 signature and the date and time.

15 Q Detective, after you completed that statement sometime  
16 after 8 o'clock in the morning, was Sana still present inside of  
17 the 105 Precinct?

18 A Yes, she was.

19 Q And without telling us what she said, did you speak to  
20 her again?

21 A I did.

22 Q And did there come a point in time around 11:30 in the  
23 morning where she was transported from the precinct to somewhere  
24 else?

25 A There did come that time, yes.

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1 Q Where was she taken?

2 A I believe she was taken to North Shore University  
3 Hospital Center.

4 Q Okay.

5 During the course of the morning into the afternoon,  
6 did you contact the District Attorney's office?

7 A I did.

8 Q Can you tell the members of the jury why you did that?

9 A The District Attorney's office has a riding program  
10 where district attorneys from different boroughs within the  
11 Queens District Attorney's office are notified in certain cases  
12 to be given information that's going on in a particular case.

13 Q And did you reach out to the person from the District  
14 Attorney's office who was riding, as you said, for the Special  
15 Victim's Bureau or the Special Victim's cases?

16 A I reached out I believe it was to the Special Victim's  
17 Bureau. I'm not positive if that's the bureau but --

18 Q Did you speak to a particular assistant district  
19 attorney?

20 A Ultimately I was able to speak to ADA Hughes.

21 Q Okay, and don't tell us what ADA Hughes said to you,  
22 but what did you tell ADA Hughes?

23 MR. BANDELLI: Objection. Why don't they call ADA  
24 Hughes?

25 MR. ROSENBLATT: I'll withdraw the question, your

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1 Honor.

2 Q Did there come a point in time when Assistant District  
3 Attorney Hughes and myself responded to the 105 Precinct?

4 A Yes, there did.

5 Q And was somebody else from the office also present? A  
6 videographer?

7 A Yes.

8 Q Can you tell the members of the jury what happened  
9 leading up to ADA Hughes, myself and the videographer arriving  
10 at the precinct?

11 A I had asked Mr. Gopaul if he would be willing to make a  
12 videotaped statement in the presence of the Queens District  
13 Attorney's Office in regards to the statement he was telling us  
14 had occurred. Mr. Gopaul indicated he would be willing to do  
15 that, and I relayed that to the District Attorney's office prior  
16 to ADA Hughes, yourself and the videographer arriving at the  
17 precinct approximately five p.m.-ish.

18 Q Okay.

19 During course of your investigation on June 24, 2008,  
20 did you have an opportunity to observe the defendant's vehicle?

21 A Yes, I did.

22 Q Could you tell the members of the jury about that?

23 A Mr. Gopaul was the legal custodian of a work vehicle  
24 that was a 2006 Dodge Ram truck with "Ecolab" written on the  
25 outside. It was a work-type truck that was parked outside the

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1 precinct. I went outside the precinct with Officer Alfaro, and  
2 I observed the vehicle, and I looked from outside the windows  
3 and I was present ultimately when Officer Alfaro went into the  
4 vehicle.

5 Q And did you observe her enter that vehicle?

6 A I did.

7 Q During the course of your investigations and  
8 conversations with the defendant, did you come to learn his date  
9 of birth?

10 A I did.

11 Q Can you tell the members of the jury what is his date  
12 of birth?

13 THE WITNESS: If I could just refer to my  
14 paperwork.

15 THE COURT: Sure. Just tell us what paperwork you  
16 are looking at.

17 A (Referring) I'm referring to a computer check that I  
18 had in my case folder that I had obtained.

19 THE COURT: All right.

20 A (Continuing) It was February 28 of 1958.

21 Q I forgot to ask you, Detective -- my apologies -- after  
22 you finished taking that second statement in regards to what's  
23 in evidence now as People's Exhibit 5 that concluded at 8:30 in  
24 morning, did you speak to the defendant again prior to ADA  
25 Hughes and myself arriving at the 105 Precinct in regards to



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1 something else? Did you speak to him again at 8 -- shortly  
2 after 8:30 in the morning?

3 A Yes.

4 Q And what was that conversation about?

5 A Upon completion of this --

6 MR. BANDELLI: Objection, your Honor.

7 A -- this written statement --

8 THE COURT: What's the basis of the objection?

9 MR. BANDELLI: Which conversation is he referring  
10 to now? A conversation with my client?

11 THE COURT: Yes.

12 MR. BANDELLI: Okay. No objection.

13 THE COURT: Thank you.

14 A (Continuing) After Mr. Gopaul completed this written  
15 statement that's marked 5, I then asked him a question, to which  
16 he gave me an answer.

17 Q Was that documented on another sheet of paper?

18 A Yes, it was.

19 MR. ROSENBLATT: May I approach the witness and  
20 ask this be marked as People's Exhibit 6 for identification,  
21 please?

22 THE COURT: Please mark that People's 6 for  
23 identification only.

24 (Question and answer was marked as People's  
25 Exhibit 6 for identification.)

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1 COURT OFFICER: People's 6 marked for ID only.

2 Q Detective, take a look at what has been marked as  
3 People's Exhibit 6 for identification. Do you recognize that?

4 A I do.

5 Q What is it?

6 A It's an original question and answer that I wrote on  
7 June 24 of '08 while I was speaking to Mr. Gopaul.

8 Q Whose handwriting is on People's Exhibit 6 for  
9 identification purposes?

10 A Primarily my handwriting with the exception of a  
11 drawing and Mr. Gopaul's signature.

12 Q Is that document in the same or substantially the same  
13 condition as it was back on June 24, 2008 when that document was  
14 produced?

15 A Yes.

16 Q Other than those two holes, have there been any  
17 alterations to that document?

18 A No.

19 MR. ROSENBLATT: I would offer People's Exhibit 6  
20 into evidence at this time.

21 THE COURT: Show it to Mr. Bandelli, please.

22 MR. BANDELLI: Thank you, Judge.

23 (Pause in proceedings.)

24 MR. BANDELLI: Just one question.

25 VOIR DIRE EXAMINATION

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1 BY MR. BANDELLI:

2 Q Detective, most of this is in your handwriting; is that  
3 correct?

4 A Yes.

5 MR. BANDELLI: Okay. Same objection, Judge.

6 THE COURT: Objection overruled. You have your  
7 exception. People's 6 is received in evidence.

8 (People's Exhibit 6, previously marked for  
9 identification, was marked and received in evidence.)

10 COURT OFFICER: People's 6 marked and received.

11 CONTINUED DIRECT EXAMINATION

12 BY MR. ROSENBLATT:

13 Q Can you describe to the members of the jury what is  
14 contained on that document?

15 A I wanted to ask Mr. Gopaul a specific question. I  
16 wrote down, "0830 hours," meaning 8:30 a.m. I wrote down the  
17 date of 6/24 of '08, and then I wrote "Q," short for question,  
18 and I wrote down, "Do you have any vibrators in the car?" And I  
19 asked that question to Mr. Gopaul. Mr. Gopaul orally answered  
20 me and he stated that he had multiple vibrators in the house.  
21 Two were white and looked the same. They're in a cabinet in the  
22 bedroom at the house. He has a white fold-up massager in the  
23 car that he uses for his neck. He claims never to have used it  
24 on his daughter. As he said it, I wrote it down on the piece of  
25 paper.

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1           Mr. Gopaul said he could draw a picture of what he was  
2     describing the vibrators as, and I gave him the piece of paper.  
3     He drew a picture on the left corner of the page and gave me the  
4     piece of paper back.

5           I wrote underneath that in my handwriting an arrow  
6     pointing to it, and I noted that "subject," meaning Mr. Gopaul,  
7     had drawn that picture as the shape of the white vibrators he  
8     was describing.

9           Q     Did you sign that document?

10          A     Well, first, you know, I showed him what I had written  
11     in regards to my question and his answer. I asked him if that  
12     was accurate as to what the question and answer was. He  
13     indicated, Yes, and I asked him to sign it as to the accuracy of  
14     that, and I signed it as witness.

15                   MR. ROSENBLATT: Your Honor, I have no further  
16     questions for this witness. Thank you very much.

17                   THE COURT: Thank you.

18                   Mr. Bandelli.

19     CROSS-EXAMINATION

20     BY MR. BANDELLI:

21           Q     Detective Shulman, my name is Stanford Bandelli. I  
22     represent Howard Gopaul. I have some questions for you. If you  
23     don't know the answer, just say you don't know the answer. If  
24     you don't understand the question, tell me you don't understand  
25     the question. I'll rephrase it. All right?

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1 A All right.

2 THE COURT: Mr. Bandelli, you conduct your  
3 examination from the end of the jury box.

4 MR. BANDELLI: Really?

5 Q What was your tour of duty on June 24, 2008?

6 A I believe I was working from 4 p.m. on June 23 to 1  
7 a.m. on June 24 was my scheduled tour of duty.

8 Q So, your shift would have ended at 1 a.m. on the 24th;  
9 is that correct?

10 A Yes.

11 Q What time did Harold Gopaul arrive at the precinct?

12 A I believe it was about 4:45 in the morning.

13 Q Really.

14 Why do you believe it was at 4:45 in the morning?

15 A Because very briefly after that I was told he was in  
16 the precinct.

17 Q So, you were told that he was at the precinct at 4:45  
18 in morning, that he had just come into the precinct; is that  
19 correct?

20 A That's correct.

21 Q Who told you that?

22 A The desk officer from precinct.

23 Q And who was that?

24 MR. ROSENBLATT: Objection, Judge.

25 THE COURT: What's the basis of your objection?

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1 MR. ROSENBLATT: This is hearsay.

2 THE COURT: Overruled. You can answer that,  
3 Detective, if you know.

4 A Sergeant O'Hagan was the 105 Precinct desk officer.

5 Q How did he contact you?

6 A He either called me up in my office or came up to my  
7 office. I don't recall.

8 Q Is there any notes you might have about how he  
9 contacted you?

10 THE WITNESS: Could I refer to my followup  
11 reports, your Honor?

12 THE COURT: You can look at your file.

13 A (Referring) I don't have a notation as to whether or  
14 not he came up to my office or called me. I'm not sure.

15 Q So, Sergeant O'Hagan called you or comes up to your  
16 office and says what?

17 MR. ROSENBLATT: Objection.

18 THE COURT: Overruled.

19 A He told me that Mr. Harold Gopaul, who was the listed  
20 perpetrator on the Complaint Report that had been prepared, had  
21 come into the precinct and was in custody.

22 Q Why did he tell you he came into the precinct?

23 A Pardon me?

24 Q Why did he tell you Harold Gopaul had come into the  
25 precinct?

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1 THE COURT: Did you say "why"?

2 MR. BANDELLI: Yes.

3 Q What did he tell you was the reason that Harold Gopaul  
4 came into the precinct?

5 THE COURT: Sustained.

6 Q Isn't it true that Harold Gopaul came into the precinct  
7 to file a missing person's report for his daughter?

8 MR. ROSENBLATT: Objection.

9 THE COURT: Sustained.

10 Mr. Bandelli, you think this is funny?

11 MR. BANDELLI: Not at all, Judge.

12 THE COURT: Please. Please.

13 MR. BANDELLI: It's kind of --

14 THE COURT: Don't speak in front of jury. I just  
15 asked if you thought this was funny.

16 MR. BANDELLI: There is absolutely nothing funny  
17 about this, your Honor.

18 THE COURT: Good.

19 Q So, at 4:45 a.m. you learned that he was in custody; is  
20 that correct?

21 A Within moments of that, minutes, maybe.

22 Q No. No. You said that Sergeant O'Hearne (sic) told  
23 you that Harold Gopaul came in the precinct and he was in  
24 custody; is that correct?

25 A Yes.

Shulman-People-Cross

1 Q So, that doesn't mean that Harold Gopaul came into the  
2 precinct at 4:45; does it?

3 A I don't understand what you are asking me. I'm saying  
4 that I was told by Sergeant O'Hagan that at approximately 4:45  
5 Harold Gopaul had come into the precinct and was arrested.

6 Q What was the basis for arresting Harold Gopaul at that  
7 time?

8 MR. ROSENBLATT: Objection.

9 THE COURT: Did you arrest Mr. Gopaul?

10 THE WITNESS: I did not.

11 THE COURT: Sustained.

12 Q Who arrested Mr. Gopaul?

13 A Officer Alfaro was the arresting officer in the case.

14 Q What is Officer Alfaro's first name?

15 A I'm not sure.

16 Q Do you have notes somewhere that will tell you?

17 A (Referring) I'm referring to an arrest report of  
18 Harold Gopaul that shows that Officer Alfaro's name is Celica.

19 Q She is the arresting officer, not you; is that correct,  
20 Detective?

21 A That's correct.

22 Q You are saying she placed him under arrest at 4:45; is  
23 that correct?

24 A I'm saying he is arrested at 4:45, and she was the  
25 arresting officer. I don't know --



Shulman-People-Cross

1 Q You are saying she is the arresting officer, and he is  
2 placed under arrest at 4:45, right? So, she would have placed  
3 him under arrest at 4:45; is that correct?

4 A I wasn't present when he was arrested, so I don't know.

5 Q You just testified that Officer Alfaro was the  
6 arresting officer, right?

7 A That's correct.

8 Q You just testified that Mr. Gopaul was placed in  
9 custody at 4:45; is that correct?

10 A That's what I was told. Again, I was not present when  
11 it was done.

12 Q Well, what did Officer Alfaro tell you?

13 MR. ROSENBLATT: Objection.

14 THE COURT: Sustained.

15 Q So, you don't know who placed Harold Gopaul under  
16 arrest; do you, other than what you were told?

17 A I was not present for it.

18 Q And you weren't present when Harold Gopaul walked into  
19 the precinct; were you?

20 A Not downstairs, no.

21 Q That's right.

22 So, you don't know, in fact, other than what you were  
23 told, what time Harold Gopaul came into the precinct; do you?  
24 Yes or no.

25 A I didn't know if that was a statement or a question.

Shulman-People-Cross

1 Q It's a question.

2 A It's a question?

3 Q Yes.

4 A No, I was not present, so I could not attest to what  
5 was happening when I was not there.

6 Q Okay.

7 Do you know when Harold Gopaul came into the precinct?  
8 That's a question.

9 A Only based on what I was told.

10 Q Okay. We are going to circles.

11 Do you know, other than what you were told, what time  
12 Harold Gopaul came into the precinct?

13 MR. ROSENBLATT: Objection.

14 THE COURT: Overruled.

15 A No.

16 Q Do you know, other than what you were told, why Harold  
17 Gopaul came into the precinct?

18 A No.

19 Q Now, you said this was first brought to your attention  
20 around 2:30 in the morning; is that correct?

21 A That is correct.

22 Q Who brought it to your attention?

23 A Detective Matthews from the Detective Borough Queens.

24 Q Okay, and is Detective Matthews at the 105 Precinct,  
25 also?

Shulman-People-Cross

1 A No, he is not.

2 Q Did Sana Awan come into the 105 Precinct?

3 A She did.

4 Q Okay.

5 Did she come into the 105 Precinct before or after you  
6 heard from Detective Matthews?

7 A Before.

8 Q She came into the 105 Precinct before. What time did  
9 she come into the 105 Precinct?

10 A I believe it was sometime around 11 p.m.

11 Q What is that belief based upon?

12 A Information I was told.

13 Q By who?

14 A Officer Morris of the 105 Precinct.

15 Q Office Morris told you that Sana Awan came into the  
16 precinct around 11 o'clock in the evening. Is that what your  
17 testimony is?

18 A I wasn't told at 11 o'clock she was there. I learned  
19 later from Officer Morris that Sana had come in 11 o'clock in  
20 the evening on the night of the 23rd.

21 Q When did you learn that?

22 A During the course of the morning of the 24th.

23 Q Here is the problem. I wasn't there, okay, and I'm  
24 trying to figure out --

25 MR. ROSENBLATT: Objection as to the comments.

Shulman-People-Cross

1 THE COURT: You know the proper way to conduct  
2 cross-examination, Mr. Bandelli.

3 MR. BANDELLI: Yes, sir.

4 Q Who did Sana Awan meet with when she first came into  
5 the precinct, the 105 Precinct? Was it Officer Morris?

6 A Who was her first contact?

7 Q Yes.

8 A I was not present. I don't know.

9 Q You have no idea who she first met with?

10 A I was not present downstairs when she came in.

11 Q I'm not asking where you were. I'm asking if you know  
12 who it was she first came in contact --

13 THE COURT: Mr. Bandelli, the detective has  
14 testified he is on the second floor. If people come in on  
15 the first floor, unless you are on the first floor, you  
16 don't know when they come in, correct?

17 THE WITNESS: Correct.

18 THE COURT: All right.

19 MR. BANDELLI: Well, Judge --

20 THE COURT: Mr. Bandelli.

21 Q Well, didn't you interview Sana Awan?

22 A Ultimately, yes.

23 Q Okay.

24 Did you say, Who did you talk to when you first got  
25 here?

Shulman-People-Cross

1 A No, I did not.

2 Q Okay.

3 Did you ask her what time she came in?

4 A No, I did not.

5 Q Okay.

6 Oh, that's right. When you first met Sana Awan, she  
7 was sitting alone in a room on the second floor; is that  
8 correct?

9 A That's correct.

10 Q So, you just happened to walk in. Somebody told you  
11 she was in this room on the second floor; is that correct?

12 A I was told about what was going on. I requested that  
13 she be brought to the Detective Squad so I could interview her  
14 and that she be put into an interview room so I could privately  
15 interview her.

16 Q You wanted to privately interview her?

17 A Yes.

18 Q They contacted you after, you know, the fact. You are  
19 on the second floor. You don't know what is going on  
20 downstairs. Why are they reaching out to you after your shift  
21 is over?

22 MR. ROSENBLATT: Objection.

23 THE COURT: Mr. Bandelli, sustained.

24 Q Well, what was the purpose -- what time did your shift  
25 end?

Shulman-People-Cross

1 A My scheduled tour or my shift?

2 Q Your scheduled shift, scheduled tour.

3 A My scheduled shift would have been 0100, 1 o'clock in  
4 the morning. I was still at work at 2:30 in the morning.

5 Q What was the purpose of your being contacted after your  
6 tour is over?

7 A Because I was still working as a detective in the 105  
8 Detective Squad, and there was a matter that needed to be  
9 investigated by a detective.

10 Q What about Detective Matthews? Why wasn't he  
11 contacted?

12 A He was contacted and he --

13 Q Why didn't he conduct --

14 MR. ROSENBLATT: Objection, Judge. I ask the  
15 witness be permitted to answer the question.

16 THE COURT: The question is sustained.

17 Q Well, were there any other detectives that were working  
18 after 1 o'clock in the morning at the 105 Precinct other than  
19 yourself?

20 A Not that I recall.

21 Q What about Detective Matthews? You just said he  
22 notified you there was that person. He was working. He wasn't  
23 working. He was working --

24 THE COURT: Mr. Bandelli, I believe he testified  
25 that Detective Matthews worked out of the Detective Borough

Shulman-People-Cross

1 Queens; is that correct?

2 THE WITNESS: That is correct, your Honor.

3 Q So, how did Detective Matthews get notified of this?

4 MR. ROSENBLATT: Objection.

5 THE COURT: Sustained.

6 Unless, Detective, were you there when Detective  
7 Matthews was notified of this?

8 THE WITNESS: No, I was not, your Honor.

9 THE COURT: Okay.

10 Geographically where, if you know, was Detective  
11 Matthews?

12 THE WITNESS: My belief is that he was at the  
13 Detective Borough Queens or that he would be in Forest Hills  
14 where the Detective Borough was located in the 112 Precinct.

15 THE COURT: Thank you. Does that clear that up,  
16 Mr. Bandelli?

17 MR. BANDELLI: Not really, Judge, but --

18 Q Okay.

19 So, between 1:00 and 2:30, are you working on anything  
20 other than -- well, what are you working on between 1:00 and  
21 2:30?

22 MR. ROSENBLATT: Objection.

23 THE COURT: Sustained.

24 Q Well, what are you doing at the 105 Precinct then  
25 between 1:00 and 2:30 after your shift is over?

Shulman-People-Cross

1 MR. ROSENBLATT: Objection.

2 THE COURT: Overruled.

3 A My shift was not over. My scheduled tour might have  
4 passed, but I was still working.

5 Q Well, who makes the determination when your shift is  
6 over then?

7 A If there is nothing going on, then when my shift is  
8 over I go home. If I'm in the course of conducting some sort of  
9 investigation into any of the cases that are assigned to my  
10 office, then I would remain for the purpose of conducting that  
11 investigation.

12 Q What investigation were you working on at that time?

13 MR. ROSENBLATT: Objection.

14 THE COURT: Overruled.

15 A I don't know specifically.

16 Q Well, do you have notes that might help you?

17 A I do not.

18 Q You don't?

19 A I don't. I was working on any number of cases that  
20 were assigned to the 105 Precinct Detective Squad on that  
21 particular date.

22 Q But you don't know which one you were working on when  
23 you were there?

24 A I don't recall.

25 Q You don't recall. Okay.



Shulman-People-Cross

1           After you spoke to -- who did you speak to first?

2       Detective Matthews or Sergeant -- what was his name?   Sergeant  
3       O'Hearne?

4           A     O'Hagan.

5           Q     O'Hagan, yeah.

6                 Who did you speak to first?

7           A     Detective Matthews.

8           Q     Detective Matthews, and he told you that he wanted you  
9       to participate in an investigation involving Sana Awan; is that  
10      correct?

11          A     I don't know if he used her name, but he indicated that  
12      there was an investigation that I needed to be involved in.

13          Q     Okay, and why did he feel that you needed to be  
14      involved in it?

15                     MR. ROSENBLATT:  Objection.

16                     THE COURT:  Sustained.

17          Q     Okay.

18                 So, you get that phone call, and then you are notified  
19      that someone from ACS is also present there?

20          A     Yes.

21          Q     Okay.

22                 Who is the person from ACS that was present there?

23          A     If I can refer to my case, your Honor.

24                 (Referring)  Mr. Musa LaMonte was the ACS case worker  
25      that was present in the 105 Precinct that morning.

Shulman-People-Cross

1 Q Okay.

2 When did you meet with Musa LaMonte?

3 A At about 2:45 in the morning.

4 Q Okay.

5 Where did you speak with him?

6 A Up in the 105 Precinct Detective Squad.

7 Q And how long did you speak with him for?

8 A Maybe 20 minutes, 15 minutes.

9 Q And had Mr. LaMonte already spoken with Sana Awan?

10 A To some extent.

11 Q Okay, and you decided after that that you wanted to  
12 speak to Sana Awan. Is that how it worked?

13 A Pardon me?

14 Q Did you decide after you spoke to the ACS worker that  
15 you wanted to meet with Miss Awan?

16 A I knew before I spoke to the case worker that I would  
17 need to speak to Sana Awan.

18 Q So, how come you spoke to the ACS worker first then?

19 MR. ROSENBLATT: Objection.

20 THE COURT: Overruled.

21 A I was aware that the ACS worker had had some sort of  
22 conversation with Sana Awan, and I wanted to find out from that  
23 case worker what the substance of that conversation was.

24 Q Isn't it true that the ACS worker wanted to have  
25 somebody dispatched to Mr. Gopaul's home at some point, and you

Shulman-People-Cross

1 had told the ACS worker that you didn't want them to do that?

2 MR. ROSENBLATT: Objection.

3 THE COURT: Sustained.

4 MR. BANDELLI: What's the basis, Judge?

5 THE COURT: Sustained.

6 Q How long did you speak to Sana Awan for?

7 A I spoke to her on and off over the course of the day  
8 many times.

9 Q How many times?

10 A I don't know exactly how many times. Many times during  
11 course of the day.

12 Q How long did you speak to her the first time at 2:30 in  
13 the morning?

14 A I didn't speak to her until about 3:20 in the morning  
15 was the first time I spoke to her, and at that particular time I  
16 probably spoke to her for, you know, almost an hour and a half,  
17 give or take.

18 Q When you spoke to her, she was already in the second  
19 floor room on your floor; is that right, and you spoke to her  
20 for a half hour you said; is that right? I'm just trying to --

21 A The part about her being in my office --

22 Q Yes.

23 A -- that part is correct. I didn't say that I only  
24 spoke to her for half an hour.

25 Q At that time. I know you spoke to her throughout the

Shulman-People-Cross

1 night or morning, but at that time.

2 A Again I say at that time that I only spoke to her for  
3 half an hour.

4 Q How long did you talk to her for?

5 A Roughly about an hour and a half.

6 Q So, you would have spoken to her then from 3:20 till  
7 about 4:50, right?

8 A Just shy of that. I mean shortly after 4:45 I was  
9 aware that Mr. Gopaul was downstairs. So, it would have been  
10 right around that timeframe.

11 Q So, you concluded your interview right at the time that  
12 you learned that Harold Gopaul was in the precinct and he was in  
13 custody; is that correct?

14 A I don't know that I would say I concluded. I  
15 interrupted it.

16 Q Why did you interrupt it?

17 MR. ROSENBLATT: Objection, Judge.

18 THE COURT: Overruled.

19 A There were other things going on that needed to be  
20 addressed at that particular moment that I took a break from  
21 that interview knowing that I could go back and talk to her  
22 again.

23 THE COURT: Mr. Bandelli, I don't believe you are  
24 going to complete your cross-examination today.

25 MR. BANDELLI: I don't even think we are going to

## Proceedings

1 be close, Judge.

2 THE COURT: All right. Then it's a good time to  
3 interrupt the cross-examination.

4 Members of the jury, we are going to recess for  
5 the evening. Remember you are not to discuss this case  
6 among yourselves with anyone else. If anyone tries to  
7 discuss it with you, bring it to my attention immediately.

8 You are not visit any location that's been  
9 mentioned, and you are not to form any opinion as to whether  
10 or not you feel the defendant is guilty or not guilty of the  
11 crimes with which he is charged.

12 Get home safely. Come back here tomorrow morning  
13 9:30. We will continue the cross-examination of the  
14 detective.

15 Please follow the instruction of the court  
16 officer. Thank you.

17 (Panel of sworn jurors exits the courtroom.)

18 THE COURT: 9:45 tomorrow morning.

19 Detective, you are not to discuss your testimony  
20 with anyone during the course of the recess.

21 (Continued on next page.)

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Proceedings

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1 THE WITNESS: Yes, your Honor.

2 THE COURT: Tomorrow morning 9:45. Have a good  
3 night.

4 THE WITNESS: Thank you.

5 \* \* \*

6 (Whereupon the trial was adjourned to Friday,  
7 July 9, 2010.)

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Proceedings

1 SUPREME COURT OF THE STATE OF NEW YORK.

2 COUNTY OF QUEENS: CRIMINAL TERM: PART TAP-D

3 -----X

4 THE PEOPLE OF THE STATE OF NEW YORK : Indictment  
5 : No. 2065/08

6 -against-

7 HAROLD GOPAUL,

8 Defendant. : CRM SX ACT 1

9 -----X JURY TRIAL

10 125-01 Queens Boulevard  
11 Kew Gardens, New York  
12 July 9, 2010

13 B e f o r e:

14 HONORABLE GREGORY L. LASAK,  
15 Supreme Court Justice

16 A p p e a r a n c e s:

17 HONORABLE RICHARD A. BROWN  
18 District Attorney, Queens County  
19 BY: JARED ROSENBLATT, ESQ.

20 STANFORD BANDELLI, ESQ.  
21 Attorney for Defendant  
22 16 Court Street  
23 Brooklyn, New York

24 \*

25 SHERYL FITZPATRICK, RPR CSR  
Official Court Reporter

Proceedings

1 THE CLERK: Case on trial, People versus Harold  
2 Gopaul. Let the record reflect the defendant is before the  
3 Court.

4 MR. ROSENBLATT: For the People Assistant District  
5 Attorney Jared Rosenblatt.

6 MR. BANDELLI: For the defendant Stanford  
7 Bandelli.

8 Good morning.

9 THE COURT: Good morning.

10 (Witness resumes the stand.)

11 MR. ROSENBLATT: I turned over the memo book of  
12 Police Officer Sarah Morris.

13 THE COURT: Okay. We are going to bring the jury  
14 in now.

15 MR. BANDELLI: I like having my client stand up  
16 when the jury is brought in. They didn't let him do that  
17 yesterday. It's just proper respect.

18 THE COURT: He will remain seated.

19 COURT OFFICER: Jury entering.

20 (Panel of sworn jurors enters the courtroom.)

21 THE CLERK: Case on trial. All parties are  
22 present, your Honor.

23 Do both sides stipulate that all jurors are  
24 present and properly seated?

25 MR. ROSENBLATT: Yes.



Shulman-People-Direct

1 MR. BANDELLI: Yes, Judge.

2 THE CLERK: Detective, you are reminded that you  
3 are still under oath.

4 THE COURT: Good morning, ladies and gentlemen.  
5 Mr. Bandelli.

6 MR. BANDELLI: Thank you, Judge.

7 Good morning, ladies and gentlemen. How are you?  
8 No podium today?

9 L E N N A R D S H U L M A N, Detective, having been  
10 previously sworn, resumed the witness stand and  
11 testified as follows:

12 CONTINUED CROSS-EXAMINATION

13 BY MR. BANDELLI:

14 Q Good morning, Detective Shulman.

15 A Good morning.

16 Q How are you?

17 A Okay.

18 Q Okay.

19 You know, there were a few rules or a few instructions  
20 I gave at the beginning yesterday. I just want to repeat them  
21 because it seems like it got a little confusing at a certain  
22 point.

23 MR. ROSENBLATT: Objection, Judge.

24 THE COURT: Yes. Mr. Bandelli, if you have  
25 questions, ask the witness.

Shulman-People-Direct

1 MR. BANDELLI: I do, Judge.

2 THE COURT: There are no rules in your questions.

3 MR. BANDELLI: Okay.

4 Q When we finished off yesterday, you had or when you  
5 testified yesterday, just so I understand, you were working a  
6 tour from 4 p.m. June 23, 2008 till 1 a.m. June 24, 2008; is  
7 that correct?

8 A Yes.

9 Q And at approximately 2:30 in the morning, about one and  
10 a half hours after your tour was over, you were notified by  
11 Detective Matthews that Sana Awan was in your precinct, correct?

12 A Part of what you said is correct.

13 Q Which part is incorrect?

14 A The part about my tour being over.

15 Q Well, your tour actually ended, but you were continuing  
16 to do investigative work beyond your tour, right?

17 A That is correct.

18 Q All right.

19 Now, you testified that you believed that Sana Awan  
20 arrived at your precinct at approximately 11 p.m. on the 23rd  
21 and was initially interviewed by a Police Officer Morris,  
22 correct?

23 A That's my belief, yes.

24 Q Okay.

25 Could it be that Sana Awan actually got to the precinct

Shulman-People-Direct

1 at 10 o'clock in the evening and spoke with Police Officer  
2 Morris then?

3 A I can't testify about things I don't know.

4 Q So, you don't know the answer to what time actually  
5 Sana Awan got to the precinct; is that correct?

6 A It's my belief she got there approximately 11 p.m.  
7 Outside of that -- I can't testify to anything outside of that.

8 Q Do you know -- do you know whether or not Sana Awan --  
9 forget your belief. Do you know whether or not Sana Awan got to  
10 the precinct, your precinct, prior to 11 o'clock?

11 A I don't know.

12 Q You testified that you met with an ACS worker, Mr. Musa  
13 LaMonte, at around 2:45 in the morning who had also interviewed  
14 Miss Awan; is that correct?

15 A That is correct.

16 Q Finally, you met with Miss Awan on the second floor of  
17 your precinct at about 3:20 in the a.m. and spent approximately  
18 one and one half hours interviewing her; is that correct?

19 A Approximately, yes.

20 Q Okay. Good.

21 Now, after you interviewed her, did you go to her home  
22 at 240-10 89 Avenue in Bellerose to investigate this matter  
23 further?

24 A I did not go to her home, no.

25 Q You did not.

Shulman-People-Direct

1           You didn't go into the house where she said this  
2 alleged sexual abuse took place?

3           A     I did not.

4           Q     You didn't go to the house to arrest my client, Harold  
5 Gopaul?

6                     MR. ROSENBLATT: Objection. Asked and answered.

7                     THE COURT: Sustained. He said he didn't go to  
8 the house.

9                     MR. BANDELLI: Okay.

10          Q     Did you at any time send another officer to the house?

11          A     I did not.

12          Q     At some point in time you learned that my client,  
13 Harold Gopaul, showed up at the 105 Precinct on his own and was  
14 placed under arrest; is that correct?

15          A     That is correct.

16          Q     And according to your testimony yesterday, it was  
17 Sergeant O'Hagan that was the source of this information,  
18 correct?

19          A     That is correct.

20          Q     You have no independent knowledge, do you, Detective,  
21 of when my client, Harold Gopaul, was placed under arrest; do  
22 you?

23          A     I was not present when he was taken into custody, no.

24          Q     So, you don't know at what time he walked into the  
25 precinct; do you?

Shulman-People-Direct

1 MR. ROSENBLATT: Objection.

2 THE COURT: Sustained.

3 Please, let's not belabor this point. Get to  
4 another line of questioning.

5 MR. BANDELLI: With all due respect, Judge, I  
6 think this is a very important --

7 THE COURT: Get to another line of questioning.  
8 We covered this yesterday.

9 MR. BANDELLI: Okay.

10 Q Is there a logbook maintained at the 105 Precinct that  
11 would identify the time a civilian comes into the precinct?

12 A No.

13 Q No?

14 A You have to be more specific in your question.

15 Q Is it police procedure, NYPD patrol procedure, to  
16 maintain a logbook at the precinct to identify individuals that  
17 come into the precinct to report complaints or missing persons?

18 A No.

19 Q No?

20 A No.

21 Q You are sure of that?

22 A Not to my knowledge.

23 Q Okay.

24 If you wanted to determine the exact time that Harold  
25 Gopaul got into the precinct, how would you do that?

Shulman-People-Direct

1 MR. ROSENBLATT: Objection.

2 THE COURT: Sustained.

3 MR. BANDELLI: May we approach, Judge?

4 THE COURT: Sustained.

5 All right. Come on up. Come up.

6 (The following proceedings took place at  
7 side-bar:)

8 THE COURT: You asked to come up.

9 MR. BANDELLI: Yes. The time that Harold Gopaul  
10 came into the precinct is critical.

11 THE COURT: The reason we come up to the side-bar  
12 is so the jury can't hear it.

13 MR. BANDELLI: The time that Mr. Gopaul came to  
14 the precinct is critical in this case because my client's  
15 position is that he did not --

16 THE COURT: Did you hear what I just said? If you  
17 want to do this in front of the jury, we will do it in front  
18 of the jury.

19 MR. BANDELLI: When my client showed up at the  
20 precinct is very relevant to the argument and his position  
21 that the statements were involuntarily made. Okay? There  
22 were other police officers that had contact with him. I  
23 need to know who those officers were, and I need to know  
24 when he got to the precinct. If this officer has any  
25 information on that, I am entitled to that.

Shulman-People-Direct

1 THE COURT: He said clearly yesterday and today  
2 that he does not know what time your client got there  
3 because he wasn't downstairs. He was upstairs. Any  
4 information this detective has was given to him by Sergeant  
5 O'Hagan who was the desk sergeant downstairs.

6 MR. BANDELLI: I understand that.

7 THE COURT: You asked him -- the last question was  
8 if he wanted to find out what time Mr. Gopaul got to the  
9 precinct, how would he do that.

10 MR. BANDELLI: Yes.

11 THE COURT: And I sustained that objection.

12 MR. BANDELLI: It's not an unreasonable question,  
13 Judge.

14 THE COURT: If you ask it again I'll sustain it  
15 again.

16 MR. BANDELLI: Fine. Note my exception.

17 THE COURT: Okay. You have an exception.

18 (In open court.)

19 THE COURT: You may proceed, Mr. Bandelli.

20 MR. BANDELLI: Thank you, Judge.

21 Q Detective, do you know how many police officers had  
22 contact with Mr. Gopaul before you were notified that he was in  
23 custody?

24 A I don't.

25 Q Okay.

Shulman-People-Direct

1 Do you know if any police officers interrogated my  
2 client before he was brought to the second floor?

3 A Not to my knowledge.

4 Q Do you know if any police officers gave Mr. Gopaul his  
5 Miranda warnings before he was brought to the second floor?

6 A Not to my knowledge.

7 Q Do you know whether or not he requested to have a  
8 lawyer present before he was brought to the second floor?

9 A Not to my knowledge.

10 Q Do you know if any of the officers who initially had  
11 contact with Mr. Gopaul assaulted him in any way?

12 A I don't believe so.

13 Q Do you know?

14 A I can't answer things when I'm not present, but I don't  
15 believe so.

16 Q Do you know? Yes or no. Do you know, or don't you?

17 MR. ROSENBLATT: Objection. Asked and answered.

18 MR. BANDELLI: "I don't believe so" is not an  
19 answer.

20 THE COURT: Sustained. Sustained.

21 Q You testified yesterday that Celia Alfaro was the  
22 arresting officer in this case, correct?

23 A Celica Alfaro is listed as the arresting officer.

24 Q Celica. Thank you.

25 You also testified that you didn't know if Celica



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1 Alfaro had actually placed Mr. Gopaul under arrest; is that  
2 correct?

3 A I wasn't present when he was placed under arrest, so I  
4 don't know who physically placed him in custody. She is the  
5 arresting officer of record, though.

6 Q So, you have no idea then what officer placed  
7 Mr. Gopaul in physical custody.

8 MR. ROSENBLATT: Objection.

9 THE COURT: Sustained. Sustained.

10 Q You tested it was about 5:10 a.m. when you find  
11 Mr. Gopaul sitting in a room by himself on the second floor; is  
12 that correct?

13 A It was 5:10 a.m. when I went into one of my interview  
14 rooms to speak to him and he was sitting at a table, yes.

15 Q By himself, right?

16 A Yes.

17 Q Do you know who brought him up there?

18 A I do not know.

19 Q Do you know how he got up there?

20 A I had requested he be brought up to my office to be  
21 interviewed, and I asked that he be placed in my interview room,  
22 and I was told he was in my interview room.

23 Q You didn't go downstairs and get him yourself?

24 A No.

25 Q Who did you make the request of?

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1 A Sergeant O'Hagan.

2 Q Who notified you when Mr. Gopaul was in the room?

3 A I don't recall specifically. It might have been  
4 Sergeant O'Hagan. I'm not sure.

5 Q Did somebody knock on your door? Did somebody call you  
6 on phone?

7 A I don't recall specifically.

8 Q How did you determine which room he would be placed in?

9 A I have two interview rooms. The victim, Sana Awan, was  
10 in one room, and I asked he be placed my other interview room.

11 Q Isn't it a fact when Mr. Gopaul was brought upstairs  
12 that Sana Awan wasn't in an interview room? She was outside in  
13 a hallway?

14 A No.

15 Q She didn't see her dad when he came upstairs?

16 A No.

17 Q All right.

18 Did my client at any point request a meeting with you?

19 A Pardon me?

20 Q Did my client ever ask to meet with you?

21 A I don't know.

22 Q You don't know.

23 Well, how about when he was sitting there? Did he say,  
24 Well, it's good to meet you. I was wanting to meet with you,  
25 Detective Shulman?